Commentary
June 2008

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Books in Review

Victor Davis Hanson • Paul Marshall • Mark Falcoff
Benjamin Balint • Fred Siegel

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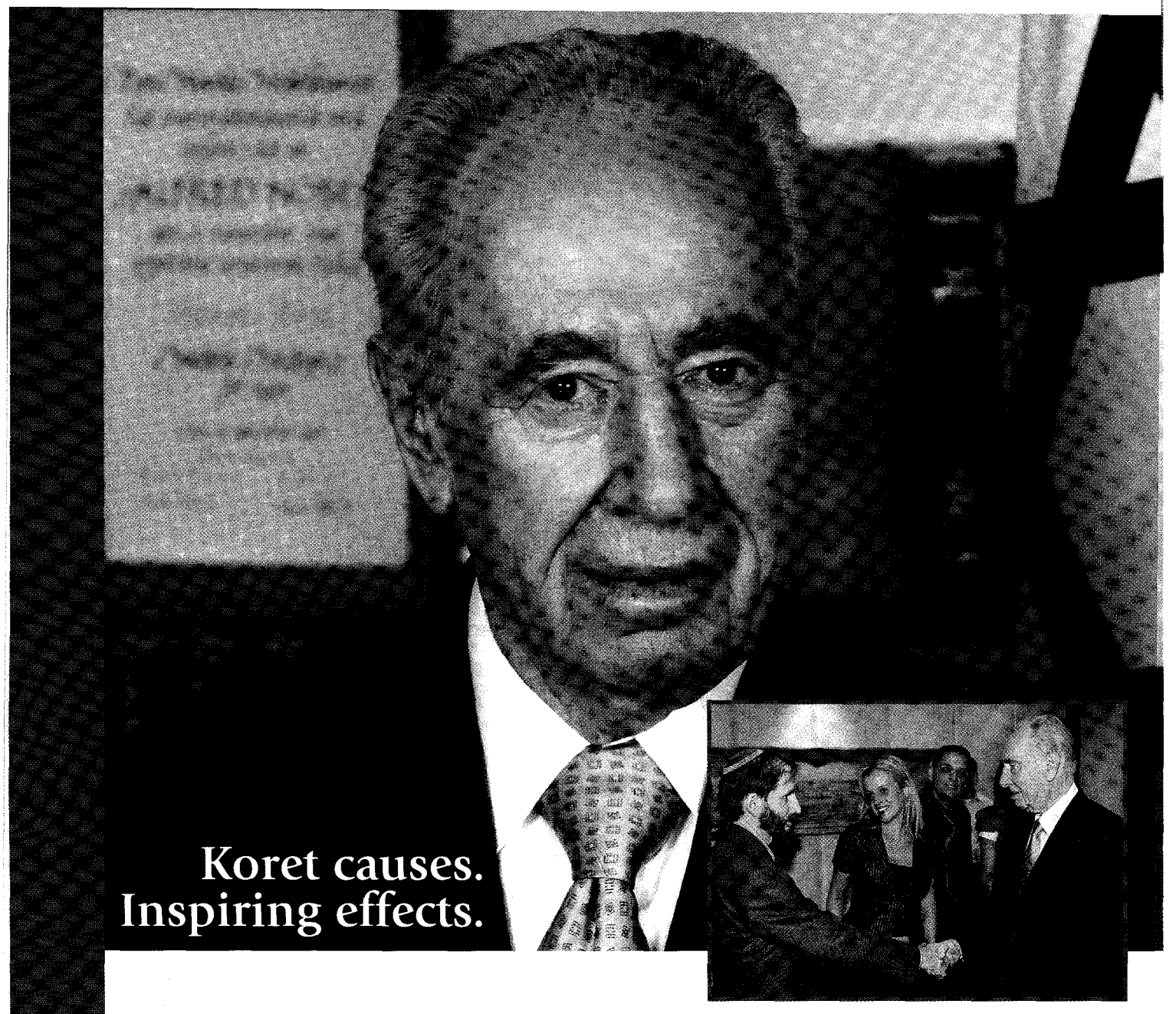

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Commentary
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Letters from Readers

China Watch

To the Editor:

It would be unwise for America to construct policy on the basis of Gordon G. Chang's belief that China's economy will stagnate and its political system collapse ["The End of the Chinese Miracle?," March]. Prudence dictates taking seriously the prospect of the People's Republic as a superpower.

Beijing has put a great deal of effort into fostering a world environment that is hospitable to its domestic monopoly on power. It uses its clout from East Asia to the Middle East and Africa to stymie promoters of democracy and good governance. It rewards Western countries for looking away from its human-rights record. China's activism is a major reason that democracy is in more trouble today than at any time since the end of World War I.

Mr. Chang is correct that the political status quo in China is threatened by widespread discontent with the corruption of the Communist party, but he misses the degree to which Beijing has been defusing the tension and overseeing a transition to populist authoritarianism. The regime is stable, confident, and adaptive, and predictions to the contrary have thus far been proven wrong.

The party says it has learned from the implosion of Imperial Germany, Meiji Japan, and Brezhnev's Russia that it would be suicidal for China to confront America prematurely. (The former two, incidentally, were capable of rapid and sustained growth without being free.) Despite the fact that crucial sea lanes carrying oil to China from the Middle East and Africa are dominated by the U.S., Beijing has not rushed to build a blue-water navy. Its military focuses instead on democratic Taiwan.

China will soon possess the world's second-largest economy in GNP terms, and it is quickly expanding its reach from industry into high technology. The tools in China's diplomatic arsenal—money for investment, debt relief, and foreign aid; the trade power of a billion-plus citizens; and slogans of non-interference, multipolarity, and the "democratization" of international relations—are attractive to authoritarians and anti-Americans around the world. Gordon Chang's hopeful prophesy that it will all go away does not take the China challenge seriously enough.

Edward Friedman
University of Wisconsin
Madison, Wisconsin

To the Editor:

A report by analysts at Goldman Sachs has given numbers and dates to the widely-held view that a surging China will challenge the United States for world leadership. By 2040, it forecasts, the American and Chinese economies will be roughly equal in size, and by 2050, China's economy will have surpassed America's by some $10 trillion. But the unfolding of events will in all likelihood confound this prophecy, just as confident predictions in the 1980's about the inexorable rise of Japan turned out to be wrong by a long shot.

As Gordon G. Chang well points out, there are serious hurdles in China's path: to begin with, the lack of mature institutions and managers, and most importantly the lack of the rule of law. Still, Mr. Chang's own gloomsaying about China may likewise miss the mark.

We have learned in the postwar era that economic development in the third world is hard; the countries that have succeeded tend to be small, like Singapore. Thus, by any standard, the story in populous China over the last 30 years has been remarkable, and not only in terms of growth: according to the UN's human-development index, China scores reasonably

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well compared to other developing countries, including democratic India, when it comes to education, life expectancy, and female empowerment. In Transparency International's 2007 corruption-perceptions index, China placed 72nd (out of 179), co-equal with Brazil, India, and Mexico. Despite institutionalized Communism, China has also scored not too badly in metrics related to "freedom."

In the end, it is China's present success that could turn out to be the Communists' doom. Consider the case of Indonesia, which under the Suharto regime (1967-98) fared reasonably well. Although the first family was notoriously corrupt, the economic pie kept getting larger, and Indonesians were not overly bothered that the Suhartos were helping themselves to a hefty slice. But when hard times struck in the wake of the 1997 Asian financial crisis, the regime lost the only thing that legitimized its rule, and was soon overthrown.

In the case of China, the key indicator to watch is inflation. If Beijing's much-vaunted growth is unable to restrain the rising cost of living, we may indeed see the end of the Chinese "miracle."

JEAN-PIERRE LEHMANN
International Institute for Management Development
Lausanne, Switzerland

TO THE EDITOR:

Gordon G. Chang's article echoes his 2001 book *The Coming Collapse of China* in highlighting the clash between China's economic liberalization and the Communist party's monopoly on power. A true market economy requires a just rule of law and widespread private-property rights—the very institutions that would undermine Beijing's authority. Consequently, as he notes, "the party will not and cannot put them in place." Yet without such reforms, China's future economic growth could falter.

This point has not been lost upon many of China's elites. As the prominent economist and government adviser Wu Jinglian has said: "Only by matching the rule of law with the market economy can we achieve total success." Likewise, according to Justin Yifu Lin, director of the China Center for Economic Research at Peking University and soon to be chief economist at the World Bank, "it is essential for the continuous growth of the Chinese economy to establish a transparent, rule-based, legal system that protects property rights."

Mr. Chang may be right that China's present rulers are incapable of instituting such reforms, but one should still recognize the significant progress Beijing has made in opening up its economy and expanding the scope of individual choice. Prices for goods and services and wages are now market-determined rather than centrally-dictated. Foreign trade is no longer controlled by a handful of state firms. Workers are free to work where they choose. State subsidies, although still a murky swamp, have been substantially reduced. The non-state sector is today the driving force behind China's economic success. Inflation under its managed currency float is nowhere near what it was in 1988–89 and 1993–94. These are significant achievements.

Moreover, during the last decade, China has made noteworthy progress toward securing private-property rights. The National People's Congress amended the constitution in 1997 and 2004, and enacted a landmark property law that "protects the lawful rights and interests of the private sector" and proclaims that "the lawful private property of citizens is inviolable." Of course without an independent judiciary, as Mr. Chang notes, such rights are not guaranteed.

There is now a statue of Adam Smith on the campus of Southwestern University in Chengdu. If China's leaders truly seek a "harmonious society" and "peaceful development," they could do no better than to follow Smith's principle of "spontaneous order"—or return to Lao Tzu's principle of *wu wei* (noninterference)—and begin to institute the spirit of the amended constitution and the property law. If they do not, China's future will indeed be bleak.

JAMES A. DORN
Cato Institute
Washington, D.C.

TO THE EDITOR:

Gordon G. Chang's conclusion is wise: "the next chapter in the history of the Chinese people" is "bound to upset many a confident assessment of the country's present and many a grand prediction of its future." Given the complex array of social and political forces operating within China, our experts are ill-advised to present the country's prospects (as so many do) in monolithic terms of economic miracle, failing state, resilient dictatorship, embryonic democracy, responsible stakeholder, rogue state, and so on.

Analysts who envision a certain path for China's future tend to be on the lookout for corroborating developments and to deny the significant of evidence that counters it. But unilinear predictions that fail to admit the possibility of alternative outcomes provide a weak analytical basis for policy. Such predictions include dramatic forecasts of a coming conflict between China and the U.S., the persistence of resilient authoritarianism in China, the formation of a "strategic partnership" between Washington and Beijing, the democratization of the Chinese state, and even Mr. Chang's own "end of the Chinese miracle."

HARRY HARDING
George Washington University
Washington, D.C.

TO THE EDITOR:

Gordon G. Chang argues that China's experiment with capitalism will either shake apart its Communist government or be undone by it. Is he right?

Economic development in modern times in neighboring Japan, Taiwan, and South Korea was successfully state-sponsored and state-directed. The crucial ingredient seems to be a suitable set of compromises concerning the relationship between the economic and political realms. Beijing is scrambling to find a model and an ideological tagline to capture its blend of authoritarian rule and market success, and there are trade-offs that may afford the Communist party breathing room to hold strong.

Capitalism—or better: capitalists—can live with a certain measure of market

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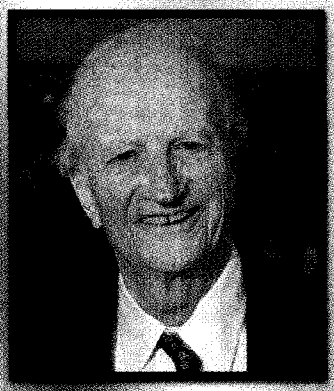

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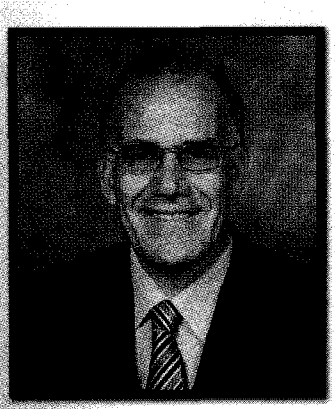

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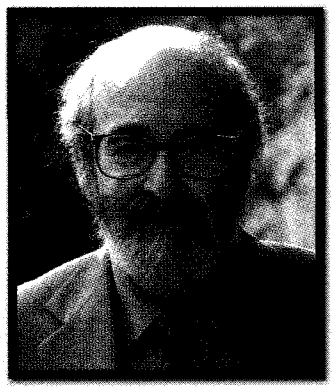

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interference by the state. Corruption is an unpleasant fact of life and is at its worst when it distorts policy on behalf of sectional interests rather than national development. But if Chinese capitalists are in fact achieving some control over the economy, even by way of corrupt practices, the system may continue to function. As long as Beijing can maintain stability, the regime will serve the interests of domestic and international entrepreneurs. After all, if push comes to shove, businessmen are likely to opt for the status quo over risking everything in a showdown with the government.

In sum, the problems facing China may be massive, but the outcomes are not necessarily as stark as Gordon Chang suggests.

WILLIE HENDERSON
University of Minnesota
Duluth, Minnesota

TO THE EDITOR:

Gordon G. Chang offers an intriguing analysis of China's political economy and the major challenges facing the Communists' continued hold on power. After Mao Zedong killed millions and destroyed the economy, his successors have found a way to foster growth, so that some observers have been led to believe that the country can be run by an efficient leadership without any need for inefficient democracy. But so far the Chinese "miracle" has been primarily limited to the manufacturing sector, reliant on a huge low-cost labor force and the export market, and aided by the devaluation of the currency. Can this success continue? Here are some major factors to consider:

- The horrible memory of absolute poverty under Mao is pervasive among older Chinese, and motivates them to work hard and save. As the new, more prosperous generation takes its place, this element may weaken.
- Traditional Chinese culture also gives China an edge in global competition. Confucian ethics that value work, sacrifice for family, frugality, and education are conducive to sustaining wealth creation. (The writer Geert Hofstede tried to quantify the Confucian work ethic, and placed China's score in his index at 120 to India's 60.) This factor, too, may weaken as modern China becomes more affluent.
- China has a large reserve of low-cost labor. The ubiquity in the West of made-in-China products gives the impression that the Wal-Marts, Nikes, and GM's of the world are employing most of the working population in China. But in reality, the Chinese manufacturing sector employs only some 40 million workers, and hundreds of millions of eligible workers reside in rural areas with little opportunity to earn a decent living. This reserve labor force puts strong downward pressure on wages, and will take a long time for the world market to absorb.
- China's manufacturing success has been made possible by the booming world economy of the past decade. A prolonged global slowdown could hurt China severely and test the staying power of the regime. Beijing has been using the dividends of economic growth to buy off intellectuals and other segments of society that could challenge its rule. If hard times come and the Communists cannot pacify the disenfranchised public, they will be in a tough spot.

SHAOMIN LI
Old Dominion University
Norfolk, Virginia

TO THE EDITOR:

Gordon G. Chang's comments about China's economic difficulties are worth developing further. There have been three special circumstances that have powered China's spectacular economic growth over the past four decades, and it is unlikely that any of them is sustainable.

First, much of the early stage of Chinese growth since 1978 was powered by the undoing of a series of disastrous economic measures taken by the Mao-era leadership. For example, partly reversing agricultural collectivization led to explosive growth in productivity. But most of the obvious reforms have already been made, and it is unlikely that anything near earlier levels of productivity growth can be achieved going forward.

Second, as the benefits of Deng-era reforms began to peter out, China in the mid-1990's initiated a massive expansion of state-issued credit. According to the World Bank, the cost of cleaning up the bad loans in the banking system could amount to as much as 55 percent of GDP.

Third, and more recently, China's central bank has intervened in currency markets to depress the value of the yuan and to fuel exports. This has locked the country in a self-reinforcing cycle in which rising trade surpluses lead to excess monetary expansion to bad loans to even more rapidly rising trade surpluses, and so on. It is clear that China's money-fueled spree must end—and whether this end will be benign or chaotic is a subject of much debate.

Underpinning these three circumstances has been a favorable demographic shift since the mid-1970's that will begin to reverse in the coming years. China's working population, having grown more rapidly than the overall population during the past three decades, will begin to shrink in a trend that may last for three or four decades. Consequently, China's equilibrium growth rate may be reduced by as much as 50 percent.

It may be too early to talk about the end of the Chinese miracle, but I think it is unlikely that China's growth over the next three decades will come anywhere near the rates of the past decade. Like Japan in the 1980's, China has been invested with so much hype that it is hard to evaluate its prospects soberly, but anyone who fails to consider the very special circumstances of its recent run of good fortune is likely to get his future projections wrong.

MICHAEL PETTIS
Peking University
Beijing, China

GORDON G. CHANG writes:

I thank my correspondents for their thoughtful letters. To one degree or another, Edward Friedman, Jean-Pierre Lehmann, James A. Dorn, Harry Harding, and Willie Henderson all suggest that the Chinese economy and the Communist party's hold on power may be more secure than I allow. To them I would submit that developing nations

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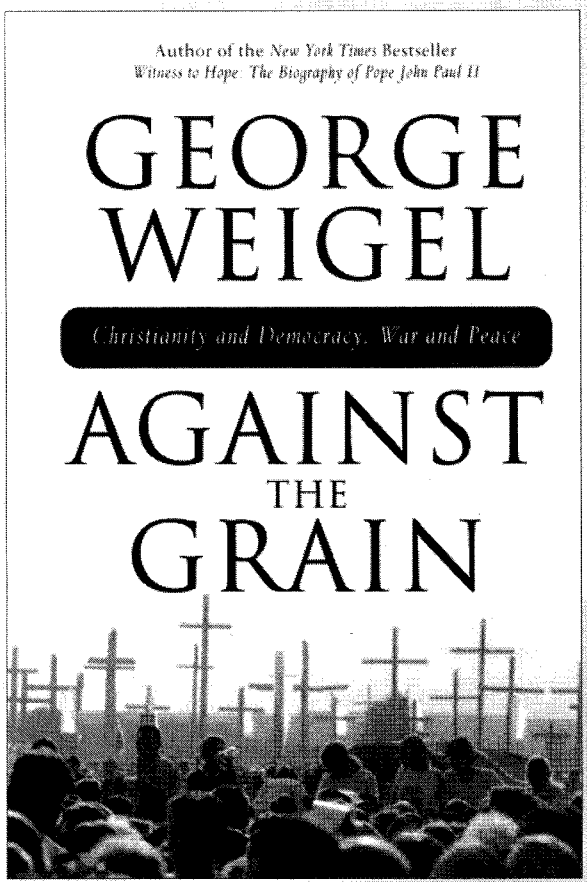
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can enjoy long periods of growth, but eventually the trend breaks. According to Beijing's statistics, the Chinese economy last suffered a contraction in 1976. For reasons that I adduced in my article, I do not believe that the stars are aligned for such a "miracle" to continue long into the future.

To those reasons may be added Michael Pettis's points that many of the benefits from reversing command-economy measures have already been reaped and that the stimulative impact of state-issued credit and monetary expansion is reaching its limit. In addition, China's main trade partner—the United States—is experiencing its own difficulties. Last year, America accounted for $256 billion of China's total trade surplus of $262 billion. A consumer or business downturn here would undoubtedly spell trouble for the export-led Chinese economy.

Next, China will have to withstand the stress of the post-Olympic period. It is common for host countries to experience a slowdown after the construction has stopped, the tourists have gone home, the sponsorship money has been spent, and the bills have come due. The cost to Beijing of hosting the games is projected to be at least three times higher than that borne by Greece for the 2004 summer games in Athens, the most expensive Olympiad to date.

There are already visible signs of cracks in the "boom" facade. According to official statistics, inflation—"the key indicator," as Mr. Lehmann correctly notes—was a manageable 1.5 percent in 2006 and 4.8 percent in 2007. But it took an enormous leap in the first quarter of 2008—some 8.0 percent on an annualized basis—a number that is not accounted for by oil alone. Moreover, the *actual* rate of inflation is likely much higher than Beijing's self-serving and inscrutable numbers indicate.

China's previous two bouts with inflation, in the late-1980's and mid-90's, both triggered social unrest. The protestors in Tiananmen Square spoke of democracy and human rights, but it was the central government's economic mismanagement that fueled the nationwide discontent.

In recent years, the Communist party has been able to paper over policy mistakes with growth. The failure to make substantial progress on implementing the rule of law, creating enforceable property rights, and eliminating corruption has not appeared to crimp the expansion. But the game cannot go on forever; no country is immune to economic cycles or the consequences of bad governance. A day will come when Beijing can no longer justify the denial of civil liberties to its citizens or (as Shaomin Li notes) generate the resources with which to buy off crucial segments of society.

None of which is to say, *pace* Mr. Friedman, that I do

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Professor Amy-Jill Levine (Ph.D., Duke Uni-versity) is E. Rhodes and Leona B. Carpenter Professor of New Testament Studies at Vanderbilt University Divinity School, where she also holds the position of Director of the Carpenter Program in Religion, Gender, and Sexuality. She is a prodigious scholar, author, and lecturer.

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not think that China should be taken seriously. Quite the contrary, as I have long insisted. My point is that a weakened and desperate Communist China can be as dangerous as a mighty one, and we should be prepared for the challenges from both.

Republican Fortunes

TO THE EDITOR:

John Podhoretz writes that the Republicans "have no hope of prevailing" in the November presidential election unless they stand "as tribunes of an American victory in Iraq" ["The Election, the GOP—and Iraq," March]. He seems to miss the significance of what has occurred in the political landscape over the last eight years. During George Bush's two terms in office, the GOP has (1) turned its back on fiscal conservatism, converting budget surpluses into the most massive deficits in history; (2) taken the national debt from $4.8 trillion and falling in 2000 to a projected $10 trillion and rising by the fall; (3) committed the U.S. to an ill-justified war in Iraq and made a complete mess of it; (4) created a reservoir of distrust of America throughout the world; and (5) done more to undermine liberty in the name of security than any administration in my lifetime. In November, the Republicans stand to receive a well-deserved rebuke from the electorate, and it is unlikely that John McCain can head it off by going "all in" with the unpopular Iraq war.

GORDON BLACK
St. Thomas,
U.S. Virgin Islands

TO THE EDITOR:

John Podhoretz offers several reasons why the Republican party's prospects in the upcoming presidential election may be dim. I can think of another: for most of the past eight years, the GOP has controlled the White House and both houses of Congress, and yet it has failed to solve some of the major problems facing the country—Social Security and Medicare shortfalls, the national debt, and immigration policy, to name a few. If you have demonstrated that you cannot do the job, why should you be rehired? Arguing that the other side might do even worse does not generate voter enthusiasm.

JOHN POLT
Oakland, California

TO THE EDITOR:

John Podhoretz makes a persuasive case for the Republican candidate to run on the success of the surge in Iraq. But John McCain's reluctance to do so in a full-throated manner may stem from the fear that the recent decline in violence in Iraqi cities may be a blip rather than a substantial trend.

JEROME YUROW
Rockville, Maryland

TO THE EDITOR:

John Podhoretz argues that the GOP must campaign for the presidency on the strength of the surge in Iraq. But, to the contrary, the surge is definitive proof that the occupation of Iraq was undermanned from the start. And yet not even John McCain, who believes that we should stay and win in Iraq, is promoting a substantial increase in our troop presence there, which is the real key to our prevailing.

REX CARRUTHERS
St. Louis, Missouri

TO THE EDITOR:

John Podhoretz is right to argue that the Republicans must stand as "tribunes of an American victory in Iraq" in campaigning for the presidency. It is amazing that this fundamental point seems to be lost on so many pundits. As Patton said: "America loves a winner, and will not tolerate a loser." Given the importance of our mission in Iraq and the progress that has been made to date, abject defeatism is unwarranted—and it has never been a path to electoral victory.

BEN ORLANSKI
Los Angeles, California

Baseball "on the Juice"

TO THE EDITOR:

I would like to add two points to Abraham Socher's illuminating and entertaining account of the damage that has been done to baseball by the use of performance-enhancing drugs ["No Game for Old Men," March].

In my 2004 book *The Meaning of Sports*, I suggest that team sports have become one of the most popular forms of mass entertainment worldwide because unlike, say, stage dramas and films, they have the quality of authenticity. While Arnold Schwarzenegger did not actually perform the feats depicted onscreen in the *Terminator* movies, Barry Bonds really did hit 73 home runs in the 2001 baseball season. The achievements of sportsmen on the field are a respite from the hype and spin that abound in the modern world. But performance-enhancing drugs make those achievements less authentic.

Second, the appeal of baseball depends to a large extent on the records and statistics of individual players. To a degree greater than with any other sport, baseball is the work, and the responsibility, of the individuals on the team rather than of the team working in concert. Baseball has also changed less than other sports over the past century; the game played by Barry Bonds is essentially the same game that was played by Babe Ruth, and the feats of the two men can thus be fairly compared. But as far as we know, Ruth did not use steroids to hit his home runs; if Bonds did, the continuity is broken, and comparisons between the two become less meaningful.

MICHAEL MANDELBAUM
Johns Hopkins University
Washington, D.C.

TO THE EDITOR:

Abraham Socher writes: "[I]t is important to us that great athletes push the limits of human achievement. But it has to be human achievement." Later in his essay, he observes that in baseball, "numbers—60, 61, .406—stand for iconic achievements and serve as landmarks in the history and tradition of the game. Can the tradition hold together if the numbers change with the speed of pharmaceutical advances?"

But has the tradition otherwise held together? When many of the classic records were set, the baseball life was vastly different from what it is today. Players were gifted athletes, not especially well paid, who spent much of their time traveling on rickety buses to road games and who often had to carry sec-

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ond jobs in the off-season. They knew nothing of the rich salaries, private gyms, personal trainers, nutritionists, and chefs that today's ultra-professional, highly specialized players enjoy. They had no thick scouting reports of the opposition to read or video breakdowns to watch.

Such accoutrements are generally seen as unobjectionable, as facts of the modern game. Notwithstanding our natural discomfort with performance-enhancing drugs, they may become so ubiquitous that they, too, will be regarded as normal, and traditionalists will have to make their peace with them. After all, as Mr. Socher acknowledges, they do not fundamentally alter the game. No one but Barry Bonds could have done what he did with the aid of human-growth hormone (HGH). Nor does HGH transform an athlete's body just like that. The human work of lifting weights day after day still has to be done; only the muscles' recovery from workouts is made easier.

In short, steroids may come to be thought of as a legitimate aid—a kind of athletic version of the amphetamines that so many people use to help them succeed in our post-industrial society.

Augie Auerbach
Appleton, Wisconsin

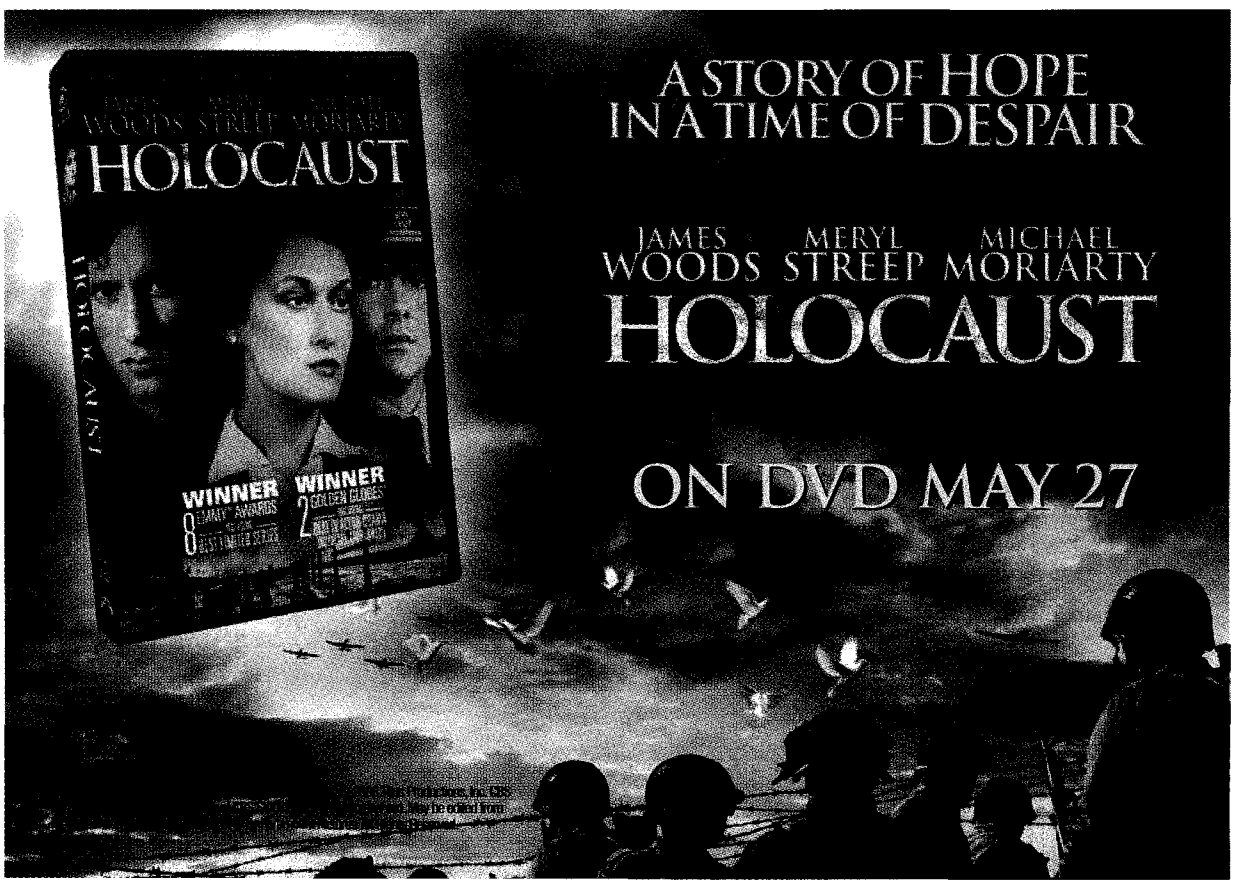
Abraham Socher writes:

I thank Michael Mandelbaum for his thoughtful note, and for pointing me to his book, which I had missed. We are, I think, in complete agreement. If, as now seems plain, Barry Bonds's record 73 home runs were fueled by steroids, then his accomplishment is closer to the spectacle of entertainment than to the accomplishment of sport, and baseball itself is diminished.

Mr. Mandelbaum makes his second point with fine professorial understatement when he writes that "as far as we know, Ruth did not use steroids to hit his home runs; if Bonds did, . . . comparisons between the two become less meaningful," and the tradition of the game is damaged. Anachronism aside, we should note that Ruth seems to have taken advantage of almost every substance and pleasure available to him—but never to athletic advantage. (The press euphemistically described his physical breakdown in 1925 as being a result of eating "too many hot dogs.")

Augie Auerbach is right to remark that the use of steroids and human growth hormone in baseball is an unsurprising development given the professionalization of the game and wider societal and pharmacological trends. (Small disasters of morals are always historically explainable but rarely inevitable.) But he would have us "make our peace" too easily and too soon.

Life and professional athletics have changed in innumerable ways; in particular, trainers, nutritionists, and the like have changed the



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way athletes condition themselves. Granted. But does Mr. Auerbach really see no difference between the regimen that Roger Clemens claims to have followed over the last decade—carefully calibrated exercise, clean living, and plenty of Wheaties—and the repeated injection of steroids into his buttocks, as described by his trainer Brian McNamee? As I argued in my essay, the former way bears an internal relationship to the athletic virtues of strength, speed, and coordination. Performing-enhancing drugs are literally, even sickeningly, external.

The players themselves understand this. That is why they lie. Baseball fans were recently reminded of the natural arc of even the greatest players' careers when Frank Thomas was let go by the Toronto Blue Jays. There was a time when Thomas was an even better hitter than Bonds, but injuries and age slowed him. For the last several years he has been a valuable player, but only intermittently the "Big Hurt" of the early- to mid-1990's. The Oakland A's picked him up nonetheless, and just the other day Thomas made news by running out his first triple in years. The video highlights of the 6-foot, 5-inch, 40-year-old Thomas chugging into third base show a great athlete struggling against the limits of age.

Incidentally, Thomas was the only Major League Baseball player who spoke with Senator George Mitchell and his team when they were preparing their report on steroids. I look forward to his acceptance speech at the Baseball Hall of Fame in a few years. My guess is that he will not agree with Mr. Auerbach.

Culture Spooks

TO THE EDITOR:

I would like to add a footnote to Terry Teachout's discussion of the CIA's patronage of cultural organizations during the cold war ["Going Highbrow at the CIA," March].

The CIA subsidies often came with strings attached. Several days before Julius and Ethel Rosenberg were to be executed for treason in 1953, the American Committee for Cultural Freedom (ACCF) was asked—nay, ordered—by the Congress for Cultural Freedom, its nominal parent and actual source of funding, to pass a resolution calling for the commutation of their sentence. The request, which was rejected, could only have come from the CIA, which controlled the Paris-based Congress lock, stock, and barrel.

In the mid-50's, the Congress called a meeting of intellectuals to discuss *mitbestimmungsrecht*, the German system of union participation in certain functions of corporate management. Appallingly, a delegation from the government-controlled unions of Yugoslavian dictator Tito was invited, even as dissident labor leaders were languishing in his jails. When a protest was lodged, the answer that came down was mind your own business.

I was the last chairman of the ACCF. The organization languished because we were unable to raise our own finances. There is no question that we would have lasted a lot longer had the ACCF followed CIA directives in poodle fashion.

ARNOLD BEICHMAN
Hoover Institution
Stanford, California

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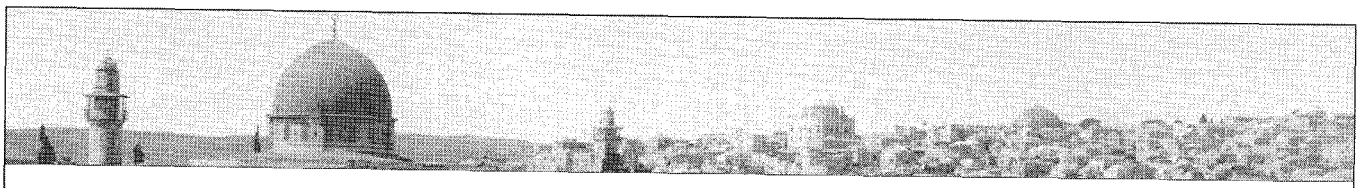

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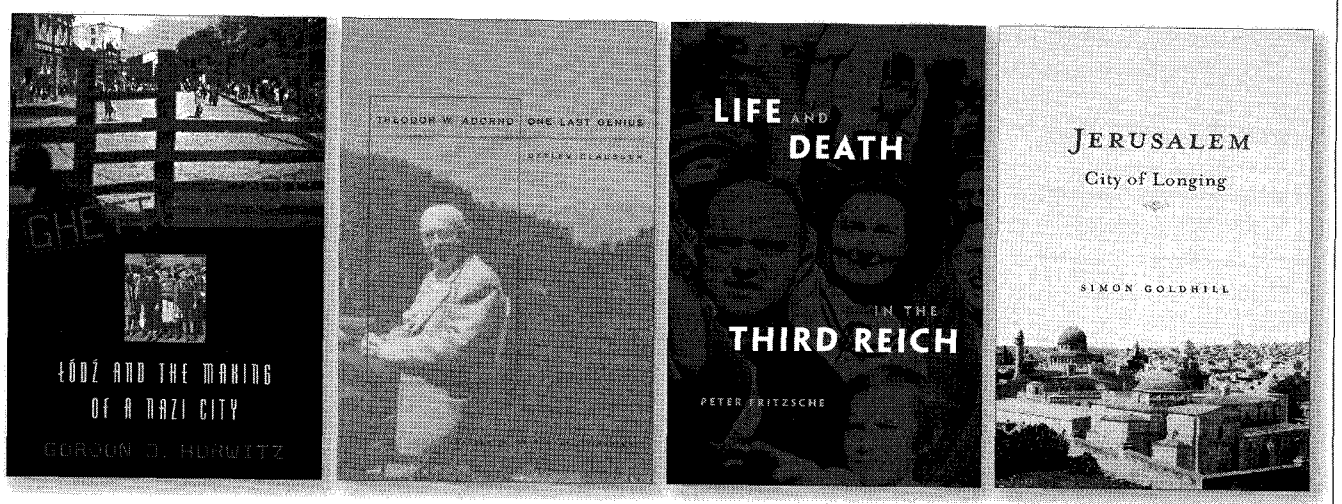

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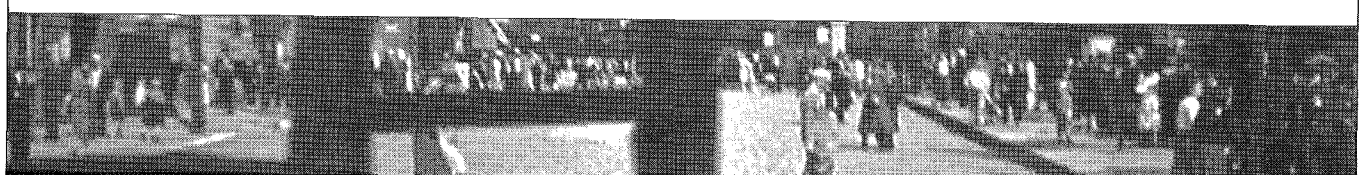

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Commentary
June 2008

Let Us by All Means Have an Honest Conversation About Race

Linda Chavez

On April 30, the day after Barack Obama issued his second and more definitive statement repudiating his spiritual mentor Jeremiah Wright, the editorial page of the *New York Times* warmly congratulated the Illinois Senator for making it clear "that the preacher does not represent him, his politics, or his campaign." In almost its next breath, the paper went on to score the Republican John McCain for embracing "a white supporter, Pastor John Hagee, whose bigotry matches that of Mr. Wright," to tar an anti-Obama commercial in North Carolina as "race-baiting," and to call for a "serious, healthy, and much-needed discussion" on the sour state of racial relations in America.

In its manifest belief that the storm over Jeremiah Wright has given fresh evidence of a deep-seated and persistent racial stand-off in American society, and that prejudice resides to a more or less equal degree in the hearts of whites and blacks, the *Times* was simply following the lead of Obama himself. Both in his April 30 statement and in his heralded March 18 speech on race in Philadelphia, the candidate decried the enduring hold of our "old divisions"—divisions that, indeed, it has been the declared purpose of his campaign to heal and to transcend. He has also repeatedly referred to his Philadelphia speech as an effort to open up an honest national "conversation." But are the candidate and the *Times* right on this matter of our divisions? And are they attempting to facilitate such a conversation, or instead to foreclose the possibility of one?

Linda Chavez, *the author of* An Unlikely Conservative (2002) *and other books, is the chairman of the Center for Equal Opportunity. She last appeared in* Commentary *with "The Realities of Immigration" (July-August 2006).*

II

To put the truth plainly: far from there being a racial stand-off in the United States, relations between blacks and whites have never been better. According to virtually every survey of racial attitudes taken over the last several decades, only about 10 percent of whites report generally unfavorable views of blacks. In a 2007 Pew Research Center poll, the relevant figure stood at 8 percent—lower, interestingly enough, than the percentage of blacks reporting similarly negative views of their fellow blacks.

Because of the nation's rapidly changing demography, the whole issue of race and ethnicity in America has become much more complicated and variegated. One thing remains clear, though: in surveys assessing racial attitudes among all groups, non-whites display consistently *less* favorable attitudes toward each other and toward whites than whites display toward blacks and other minority groups. One such survey, taken in the mid-1990's, found blacks and Hispanics significantly more likely than whites to regard Asians as hostile to non-

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Asians and as "crafty in business," while both Asians and Hispanics were likelier than whites to think that blacks "like living on welfare" and "can't get ahead on their own." Nor have inter-minority stereotypes changed much since then. A 2007 poll found that a plurality of blacks would rather do business with whites than with either Hispanics or Asians.

Of course, it may never be possible to eliminate every vestige of individual racial prejudice; we humans, after all, are imperfect creatures. The more important issue is whether lingering white racism plays a significant role in the *treatment* of blacks or other racial or ethnic minorities in the United States today. Here, the record is unmistakable and irrefutable.

By every measure, barriers based on race have essentially disappeared. We have myriad laws that guarantee equal treatment in education, employment, and housing, and we spend billions of dollars at the federal, state, and local level to enforce them. In addition, a plethora of well-funded private civil-rights organizations monitors whether government agencies are actually doing their job.

This does not mean that blacks never face discrimination. It does mean that we have put in place rigorous public policies to combat discrimination and to punish those who choose to ignore or violate them. Indeed, insofar as race still plays a role in setting government policy, it is now used for the exclusive purpose of granting *preference* to blacks—and, to a somewhat lesser degree, Hispanics—in employment, government contracting, and college admissions.

Because of all these efforts, opportunities that were once closed to blacks are now wide open, resulting in a thriving middle class and a growing upper-middle class. More than a quarter of American blacks work in professional or managerial positions, and more than a third of black families earn over $50,000 a year. Almost half of all blacks own their own homes, and 27 percent of black married-couple families have incomes of $75,000 or more.

III

THE POINT is this: the *New York Times* notwithstanding, the black-white racial divide is no longer the great fault line in American politics. To the contrary, the virtual disappearance of white racial hostility in America is *the* salient background reality that, skills and talent aside, explains the extraordinary success of Barack Obama's own candidacy for the highest office in the land.

By the end of April, Obama had received nearly 15.3 million votes from the more than two score Democratic primaries and caucuses held so far, the largest number ever recorded in the history of the presidential nominating process. The only candidate ever to approach his total has been his rival, Hillary Clinton. By contrast, in 1996, Bob Dole received approximately 5.4 million votes; in 2000, George W. Bush received 6.7 million.

Obama has not only spoken passionately about his dream of reconciling the races but has implied that his candidacy might be the defining act of racial reconciliation in American history—the moment in time when the vision of human equality embedded in the Constitution will cease to be a utopian dream and instead become a daily reality.

According to Obama, his "American story" makes him the literal personification of this grand vision:

> I am the son of a black man from Kenya and a white woman from Kansas. I was raised with the help of a white grandfather who survived a Depression to serve in Patton's army during World War II and a white grandmother who worked on a bomber assembly line at Fort Leavenworth while he was overseas. . . . I am married to a black American who carries within her the blood of slaves and slaveowners—an inheritance we pass on to our two precious daughters. I have brothers, sisters, nieces, nephews, uncles and cousins, of every race and every hue, scattered across three continents. And for as long as I live, I will never forget that in no other country on earth is my story even possible . . . a story that has seared into my genetic makeup the idea that this nation is more than the sum of its parts—that out of many, we are truly one.

These words testify to Obama's remarkable eloquence. But they also reflect a deep truth—a much deeper truth than he has seemed prepared to acknowledge. Yes, his candidacy has altered the American political landscape; that is undeniable. But his candidacy was made possible by a political landscape that was *already* deeply altered, and whose new configuration has been waiting only to be tested by a plausible contender.

Until this election cycle, black candidacies for the presidency have been anomalies—either symbolic gestures, like Shirley Chisholm's in 1972, or naked bids for power, like Jesse Jackson's in 1984 and 1988, or stunts like Al Sharpton's quest in 2004, or matters of personal eccentricity, like Alan Keyes's races in 1996, 2000, and again this year. The fact

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that the first serious campaign by a black American is likely to lead to the Democratic nomination, and might conclude with a victory in November, speaks volumes about America's progress in the matter of race.

So obviously true is this happy circumstance that the topic of race itself, except when briefly raised in a remark by Bill Clinton comparing Obama's victory in the South Carolina primary with Jesse Jackson's in the same state in 1984 and 1988, never surfaced as an issue in the campaign; clearly it mattered not at all to the millions of whites who voted for Obama in the primaries. Even among those relatively few who said race was important in deciding their vote, blacks were far more likely to support Obama than whites were to support his opponent. That changed only with the surfacing of tapes in which Jeremiah Wright was seen preaching radically anti-white and anti-American attitudes, and then with Wright's insistence on re-stating his view that, even if Barack Obama wins the presidency, America will still be a nation where white racism dictates policy:

> And I said to Barack Obama, last year, "If you get elected, November the 5th, I'm coming after you, because you'll be representing a government whose policies grind under people." . . . [U]ntil racism and slavery are confessed and asked for forgiveness . . . until that apology comes, I'm not going to keep stepping on your foot and asking you, "Does this hurt? Do you forgive me for stepping on your foot?" if I'm still stepping on your foot.

IV

Jeremiah Wright is, of course, the Chicago clergyman whom Obama credits for inspiring his own religious awakening in his twenties, who served as Obama's pastor for two decades, who officiated at his wedding and baptized his two daughters, and who prayed with him and his wife Michelle just moments before Obama announced his run for the presidency in February 2007. Just as Obama has striven to present himself as the face of racial and political reconciliation in our time, Wright has emerged as his Janus-face—the face of a black America that rejects such reconciliation and regards it as tantamount to surrender.

It is universally acknowledged, even by the candidate's most passionate supporters, that Wright's sudden notoriety has posed a threat to Obama's political ambitions. Less frequently voiced is the reason. Wright's long-term proximity to Obama, and Obama's lengthy initial refusal to separate himself from Wright—by offering the revealing excuse that to disown Wright would be akin to disowning the entire black community—has thrown a harsh light on another set of realities in America. Even as whites' attitudes toward blacks have undergone a sea change, a sizable number of blacks remain suspicious of and defiantly hostile to their fellow citizens and the government of the United States.

A single statistic tells the tale. As against the 10 percent or fewer of American whites who hold negative views of blacks, the same mid-1990's survey of intergroup attitudes cited above registered over three-quarters of blacks holding negative views of whites. To be sure, not all studies report such negative findings; nor do pollsters try, at least directly, to measure black attitudes toward whites as frequently as they do the reverse. But the handful of surveys that have indirectly probed black attitudes reveals a depressing and, as we shall see, indicative pattern.

To what can such hostility be attributed? It is true that, despite enormous gains, social and economic disparities between blacks and whites continue to exist—as Obama did not hesitate to point out at length in his March 18 speech in Philadelphia. Education is still one of the most important determinants of economic success for all Americans, and more so today than in the past. Even though blacks have considerably narrowed the education-achievement gap, they still lag far behind whites in college degrees earned (17 percent of blacks versus one third of whites). Worse, many black children attend abysmal public schools in inner cities across the nation.

But institutional racism explains little if any of this. Nor, despite what many critics claim, is the problem traceable to a lack of funding for predominantly black urban schools as opposed to the predominantly white schools of the suburbs. A recent General Accountability Office study found no consistent pattern of underfunded city schools. Boston, Chicago, and St. Louis, for example, spend more to educate their mostly black and Latino student populations than do the surrounding suburbs with their largely white student populations. Perhaps the most glaring example of the disconnection between funding levels and achievement is the school system of Washington, D.C., which spends more than $15,000 annually per pupil—almost twice the national average—but produces among the lowest achievement scores of any school system in the country.

As in education, so in other areas of social and

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economic life: the real culprit behind most of the disparities between whites and blacks is not lingering racism or the lack of spending on social programs but the decline of the black family. Over 40 years ago, Daniel Patrick Moynihan, then an assistant secretary at the Department of Labor, warned that

> the Negro family in the urban ghettos is crumbling. A middle-class group has managed to save itself, but for vast numbers of the unskilled, poorly educated city working class, the fabric of conventional social relationships has all but disintegrated. . . . So long as this situation persists, the cycle of poverty and disadvantage will continue to repeat itself.

Instead of embracing Moynihan's call to set as a national goal "the establishment of a stable Negro family structure," however, civil-rights leaders, social scientists, and government bureaucrats attacked the Moynihan report and vilified its author. Any hope that Moynihan's sober assessment would lead to changes in government policy evaporated, not to be revived until the welfare reform of the mid-90's.

When the Moynihan report was written, 25 percent of black children were being born out of wedlock—a shocking figure at the time. By 1980, the out-of-wedlock birthrate for blacks had more than doubled. It now stands at an astounding 70 percent. Marriage rates for blacks have also fallen to perilous levels; only 32 percent are currently married and living with their spouse. Today, the overwhelming majority of black children will spend most of their lives being raised by single mothers—or increasingly, like Barack Obama, by their grandparents.

High rates of single female-headed households, in turn, lead to much higher poverty rates for blacks: 37 percent for female-headed families, as compared with just 8 percent for two-parent families. And children raised in female-headed households are more likely to drop out of school, to get into trouble with the law, and to become single parents themselves.

V

OBAMA'S PHILADELPHIA speech was a perfect opportunity for him to address this obstinate reality, which, in order to provide a fuller picture, must be placed alongside the progressive march of so many blacks into the bastions of the American middle class. Here was an especially opportune moment to talk about the consequences of black family breakdown, a subject Obama could have discussed with the compelling authority of one who himself experienced abandonment by his father but had refused to follow the same path and had become a model husband and father. He had even written about the issue with rare candor in his book, *The Audacity of Hope* (2006), acknowledging that the breakdown of the black family "reflects a casualness toward sex and child-rearing among black men that renders black children more vulnerable—and for which there is simply no excuse."

But instead of repeating this thoughtful assessment in Philadelphia, the candidate offered up only pious nostrums, linking the erosion of black families to "a lack of economic opportunity among black men, and the shame and frustration that come from not being able to provide for one's family," before going on to blame a lack of parks, policemen walking the beat, garbage collection, and building-code enforcement—in brief, government policy—for helping to "create a cycle of violence, blight, and neglect." His formulation conspicuously avoided the issue of behavior—like dropping out of school and having children out of wedlock—that virtually guarantees the continuation of the cycle of poverty.

Nor was Obama any more candid on the issue of black crime. To the contrary, he played the race card. In the same passage of his speech in which he said he could no more disown Jeremiah Wright than he could disown the black community, he went on to say, stunningly, that he could no more disown Wright than he could disown his white grandmother—"a woman who helped raise me, a woman who sacrificed again and again for me, a woman who loves me as much as she loves anything in this world, but a woman who once confessed her fear of black men who passed by her on the street, and who on more than one occasion has uttered racial or ethnic stereotypes that made me cringe."

Obama's invocation of his grandmother did more than set up a false moral equivalence between a minister preaching hatred from the pulpit and an elderly white woman voicing her fears privately to her grandson. It grotesquely caricatured an actual incident about which he had written in the past, an incident that had quite rationally contributed to his grandmother's fears. In his memoir *Dreams from My Father* (1995), Obama described what happened when, waiting for a bus to take her to work, his grandmother had been accosted by a young black man who aggressively demanded money. "I

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gave him a dollar and he kept asking," Obama quotes his grandmother telling him. "If the bus hadn't come, I think he might have hit me over the head."

Obama's grandmother is hardly alone in fearing young black men who behave aggressively or whose dress and demeanor suggest they are part of the underclass. Jesse Jackson famously remarked in 1993 that "there is nothing more painful to me at this stage in my life than to walk down the street and hear footsteps and start thinking about robbery—then look around and see somebody white and feel relieved." In 1999, Stephen A. Holmes, a black *New York Times* reporter, recounted his own feelings as a New York City taxi driver who worked nights while attending college:

> My sense of tolerance and racial solidarity was tested every time a casually dressed young black man, especially one in sneakers, tried to hail my cab. Most times, I drove right by. I sometimes wondered about their reaction, but I kept thinking that if I guessed wrong, I could pay for my mistake with my life.

Holmes's fear was based not on mere "stereotyping" but on his own experience, in this case the experience of being robbed twice by young black men. As he wrote, "The nexus of race, crime, and stereotyping raises difficult questions that are often ignored." Indeed it does raise such questions, and they are indeed often ignored, most recently and conspicuously by Barack Obama.

In 2003, according to Department of Justice statistics, 21 of every 1,000 black males aged eighteen and nineteen were in a U.S. prison, as were 70 out of 1,000 black males aged twenty to twenty-four. This is by far the highest rate for any group—three times the rate of Hispanics and seven times the rate of whites. In 2004, black males aged fourteen to twenty-four, making up only 1 percent of the U.S. population, committed 26 percent of homicides; moreover, 15 percent of homicide victims that year were other black males in the same age group.

Given these numbers, it can be no surprise that many Americans, and hardly whites alone, express fear about the "nexus" of blacks and crime: 44 percent of Hispanics in one recent poll said they were generally afraid of blacks "because they are responsible for most of the crime," as did 47 percent of Asians. But instead of dealing honestly with the legitimate basis of this fear, Obama in his Philadelphia speech dismissed it with a piece of rhetorical legerdemain. First expressing sympathy with the "resentments" of whites over being accused of prejudice, he then blamed these same resentments for having shaped "the political landscape for at least a generation" by allowing politicians to distract attention "from the real culprits of the middle-class squeeze"—a charge followed by a predictable litany of corporate greed and malfeasance and "economic policies that favor the few over the many."

In short, according to this analysis, whites and others are suffering from a kind of false consciousness. What they fail to understand, when confronted with the pathologies disproportionately afflicting the black community, is that the fault lies elsewhere than in persistent but remediable behavior. It lies in the capitalist system and in government.

Is it such condescending and conversation-stopping platitudes that the editors of the *New York Times*, echoing Obama himself, have in mind in calling for a "serious, healthy, and much-needed discussion" on race?

VI

If serious discussion is to be had, one place to start is with the positions of Jeremiah Wright, who, to repeat, became a cause célèbre after video footage surfaced of sermons he had delivered from the pulpit of the Trinity United Church of Christ. In those videos, Wright is seen cursing the government of the United States for its alleged treatment of blacks—which includes, he says, the deliberate distribution of illegal narcotics:

> The government gives them the drugs, builds bigger prisons, passes a three-strike law and then wants us to sing "God Bless America." No, no, no, God damn America. . . . God damn America for treating our citizens as less than human.

In another sermon, Wright accuses the government of the United States of deliberately creating and propagating a murderous disease with the intention of eliminating the country's black population. "The government," he cries, "lied about inventing the HIV virus as a means of genocide against people of color."

Nor, according to Wright, is the government satisfied with perpetrating genocide within its own borders; it has drenched the world in blood and death. As he said five days after the attacks of September 11:

> We bombed Hiroshima, we bombed Nagasaki, and we nuked far more than the thousands in New York and the Pentagon, and we never batted an eye. . . . We have supported state ter-

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rorism against the Palestinians and black South Africans, and now we are indignant because the stuff we have done overseas is now brought right back to our own front yards. America's chickens are coming home to roost.

Of course, when Wright uses the word "we" to describe the actions of the United States, he is not including himself or, by implication, his followers. Rather, he is separating himself and them both from "the government" and from the masses of Americans who, he implies, were unfeeling about the suffering of the Japanese (as he is not) and who responded to the unprovoked attacks of September 11 with indignation (as he, who knows America deserved to be attacked, does not). He is not "we." Rather, "we" are the oppressors, the very people, presumably white, whose government has chosen to inflict evil upon suffering peoples abroad and black people at home.

Wright is especially attuned to the issue of false consciousness. He sees it as a weapon of the strong against the weak. In fact, it is his mission to awaken his followers to the signs of this condition, and to train them to resist it. Among the particular injuries being visited upon black people, according to the website of Wright's Trinity United Church of Christ, is "the pursuit of 'middle-classness.'" In the view of Wright's church, the time-honored effort on the part of America's least fortunate to achieve some of the comforts of prosperity is but another and more insidious form of imprisonment:

> Classic methodology on control of captives teaches that captors must keep the captive ignorant educationally, but trained sufficiently well to serve the system. Also, the captors must be able to identify the "talented tenth" of those subjugated, especially those who show promise of providing the kind of leadership that might threaten the captor's control.

Wright is thus the spokesman for a particularly perverse form of self-help. He speaks, as black preachers always have spoken, of the need for "self-discipline and self-respect" in the face of obstacles, but he rejects the promise offered by self-discipline and self-respect—the promise that a person who exercises them will lead a more fulfilling and prosperous life, or whose children will be enabled to do so. "It is permissible to chase 'middle-classness' with all our might," Wright's church declares, but any idea that blacks can actually change their socioeconomic status is illusory. If they attempt it, they will merely become slaves in a different garb.

VII

In his March 18 speech in Philadelphia, seeking to minimize the damage done to his candidacy by the Wright sermons, Barack Obama tried to place the pastor's preachments in context. While condemning the footage uncovered by ABC News as showing a "profoundly distorted view of this country," he insisted that this was not "all I know of the man." Obama spoke of Wright instead as someone who had reached out to those suffering from HIV/AIDS, and of "our obligations to love one another; to care for the sick and lift up the poor."

In these sentences, we can see perhaps why his Philadelphia speech failed to calm the roil and had to be followed by a more forceful denunciation a month later. Obama's apologia rang hollow, and for good reason. Wright may well have reached out to those suffering from a deadly disease, as Obama insisted, but in doing so he told them their disease was inflicted upon them by the government of the United States. That was not only a lie but a form of spiritual attack, both on those sick from the disease, in whom it could only induce even deeper feelings of despair and abandonment, and on those uninfected by anything but Wright's profoundly venomous words.

Similarly, Wright surely did speak to Obama about "lifting up the poor." But what did the poor in the pews at the Trinity United Church of Christ hear from him? They heard that to do well in America is to do injury to oneself and, if one is a member of the "talented tenth" (a term first used by the radical black sociologist W.E.B. DuBois at the turn of the last century), to those of one's kith and kin who, according to Trinity's website, might be "identified" by the "captors" as threats to their control and killed off or put in concentration camps. The hostility Wright's church has displayed to the very notion of social mobility is the opposite of "uplift." It is soul-crushing.

As if Obama's ignoring of all this were not bad enough, in his Philadelphia speech he then asked Americans—ordinary Americans of any and every race and color—to accept his contention that the Trinity United Church of Christ is not unique but rather "embodies the black community in its entirety." Indeed, he went on, this fact might well also explain "my relationship with Reverend Wright. . . . He contains within him the contradictions—the good and the bad—of the community that he has served diligently for so many years."

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And that brings us at last to the real question raised by this transfixing episode in our national life, which is not whether Jeremiah Wright is pernicious and hateful in his views. Anyone who is not in thrall to an ideological loathing of America can see that plainly enough. It is whether Obama is right when he asserts that Wright and the Trinity United Church of Christ embody "the black community in its entirety." If he is right, then there is a central flaw in the declared premise underlying his campaign for President—the premise that his election offers a way out of America's disunity, including in matters racial. Judging from Obama's astonishing electoral success, whites have already bridged this putative racial divide, which means that the primary obstacle to achieving a new American unity comes not from whites, but from blacks.

As I have already suggested, a dishearteningly large number of black Americans do indeed harbor extreme attitudes toward white America and toward other American ethnic groups. One of the most in-depth studies of this issue, conducted by Paul M. Sniderman and Thomas Piazza for their book *Black Pride and Black Prejudice* (2002), found blacks significantly more likely than whites to hold anti-Semitic views, a finding consistent with several other studies. Regarding whites in general, one-quarter of those surveyed said they believed white doctors had invented AIDS in the laboratory in order to commit genocide, and nearly half said that the CIA and FBI had flooded black neighborhoods with drugs and guns so that blacks would harm one another—findings that suggest Jeremiah Wright is no outlier among blacks.

These wild conspiracy theories are themselves rooted in racial animus. Indeed, the data demonstrate that the greater the animus, the more likely an individual is to impute bigotry against himself and his group to others. In sum, Sniderman and Piazza conclude, "what encourages blacks to believe that others are prejudiced against them is their being prejudiced against others."

Where does that leave Barack Obama? "This [American] union may never be perfect," Obama said in Philadelphia, "but generation after generation has shown that it can always be perfected." This statement about the essential goodness of America is one with which Jeremiah Wright violently disagrees. So, presumably, to a greater or lesser extent, do many of those for whom Wright speaks, including the 10,000 attendees at a conference of the once proudly integrationist NAACP who received him rapturously in late April. In Philadelphia in March, Obama showed he was still trying to play to both sides in this debate. Upon the willingness to come down forthrightly and unpatronizingly on the side embraced by most Americans may rest not only Obama's personal future but the ability of the larger community of blacks to take full advantage of the American birthright that is theirs as much as it is his, or mine, or anyone's.

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In the Matter of George W. Bush *v.* the Constitution

Gabriel Schoenfeld

THE INDICTMENT of the Bush administration for its conduct of the war on terrorism is both familiar and increasingly insistent. In the aftermath of 9/11, it is charged, the White House responded in ways that not only traduced the U.S. legal system but radically transformed it, stripping American citizens of time-honored rights, trampling on the fundamental premises of our Constitution, and bringing shame on our country for extreme and illegal practices in the treatment of suspected adversaries.

Across seven years, a vast journalistic and legal literature has catalogued the depredations allegedly visited on the American constitutional order. Numerous lawsuits challenging the administration's counterterrorism policies, brought by groups ranging from the American Civil Liberties Union to the Electronic Frontier Foundation, are moving up and down the rungs of the federal court system. The issues have been caught up in the presidential election contest, with both Hillary Clinton and Barack Obama slamming George W. Bush for having breached the proper channels of executive-branch power, and castigating John McCain for carrying the President's banner.

At stake are legal and policy questions that are exceptionally complex, involving a clash between the exigencies of national security and the most cherished provisions of our civil and political order. Has there indeed been a fundamental shift to our common detriment? If so, how did it happen, and why?

IN ATTEMPTING to answer these questions, one convenient starting place is a new book, *Bush's Law*, which carries the premonitory subtitle, "The Remaking of American Justice."[1] Its author, Eric Lichtblau, is a reporter for the *New York Times* who, assigned to cover the Justice Department after joining the paper in 2002 (before that, he had the same beat at the *Los Angeles Times*), has enjoyed a front-row view of judicial developments ever since America entered a war unlike any other in its past. In 2005, together with his *Times* colleague James Risen, Lichtblau broke the "warrantless-wiretapping" story of the National Security Agency's Terrorist Surveillance Program, for which the duo won a Pulitzer prize.

Lichtblau's premise, in a nutshell, is that the al-Qaeda attack of September 11 sparked a dangerous panic within the Bush administration. Officials, some of whom (like Attorney General John Ashcroft) had been complacent about terrorism up until September 10, were now, on September 12, bending every effort to carry out the President's urgent imperative: "Don't let this happen again." In pursuit of security at any price, they proved willing to ride roughshod over legal and constitutional norms.

Bush's Law recounts how this played out. Thus,

GABRIEL SCHOENFELD, *senior editor of* COMMENTARY, *writes daily for connectingthedots.us.com.*

[1] Pantheon, 349 pp., $26.95.

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Lichtblau offers a lengthy series of instances in which individuals were made the victims of egregious violations of due process and basic rights. He tells, for example, of the arrest and prosecution of a group of Muslims in Detroit who were swept up amid the 9/11 fears; although the principal evidence against them was a sketch of a U.S. airbase in Turkey that turned out to be a harmless doodle, two of the men were nevertheless convicted of conspiring to provide material support to terrorists. Similarly, Lichtblau describes the arrest in a rural Virginia town of a Pakistani doctor named Taj Bhatti who, although he had no links whatsoever to terrorism, was one of some 70 or more men and women rounded up in the weeks and months after 9/11 and held as "material witnesses."

To human-rights groups, writes Lichtblau, this deployment of the material-witness law was "bald-faced abuse" and "a dangerous end-run around the system meant to protect the rights of the accused." But the White House did not care; as far as it was concerned, the country was "on a wartime footing, a permanent state of emergency." Traditional restraints were off, "[g]uilt and innocence became almost antiquated notions," and the government "had to strike first."

If innocent individuals were paying the price for this recklessness—"collateral damage" is Lichtblau's acid word for their fate—so too, in broader terms, were our constitutionally enshrined freedoms. High on Lichtblau's list of offenses here is the 342-page Patriot Act, "a smorgasbord of a bill pushed so urgently by Ashcroft and the administration that few lawmakers who voted for it had time to read its fundamental reworking of the law, much less understand it."

With "the shackles now off," American intelligence was out on the trail "for the faintest whiff of terrorism." The Immigration and Naturalization Service was set loose: some 1,200 people were detained and sent to jails around the country, many of them on minor visa and entry violations. In criminal investigations of national-security cases, the ban on racial profiling was rescinded. "Middle Easterners" could now be singled out merely by virtue of their country of national origin.

Most egregiously, as Lichtblau and Risen would discover, the National Security Agency, "long banned from spying on Americans after the abuses of the Vietnam era," was ordered to intercept the international phone calls and emails of Americans suspected of ties to al Qaeda. In a blatant violation of the Fourth Amendment, the NSA acted without getting judicial warrants based upon "probable cause"; instead, it engaged in "drift-net" data-mining, potentially invading the privacy of millions of unsuspecting Americans.

And so it went. Abroad, provisions of the Geneva Conventions regarding the treatment of prisoners of war were "deemed 'quaint' and 'obsolete'" by White House counsel Alberto Gonzales, and military tribunals were announced in a plan that "promised secret trials and the denial of basic rights of appeal." Some captives were subjected to interrogation techniques that amounted to torture. The ancient right of habeas corpus was tossed out, not only for captured enemies but even for American citizens caught fighting in enemy ranks.

Through it all, Lichtblau writes, Congress was not permitted to perform its allotted role of checking and balancing. Not only was its approval not sought, but blanket secrecy was the order of the day, and as often as not our elected representatives were kept in the dark about what was being done in the nation's name.

Thus, the primary and still-enduring issue raised by the Bush administration's conduct was the fate of the Constitution itself. Did the President have the authority to use his commander-in-chief powers to prosecute the war against al Qaeda come what may, or would we instead continue to "cling to the notions of individual liberties, due process, and prohibition of unreasonable search and seizure spelled out in the Bill of Rights?" To this last question, concludes Lichtblau, President Bush and his men made their answer perfectly clear. They shredded the Constitution.

Lichtblau has marshaled a large array of facts about happenings in various arenas as the United States entered the age of counterterrorism. An energetic reporter, he has found numerous sources within the government willing to tell him things that were either secret for genuine national-security reasons or, on some occasions, simply inconvenient or embarrassing for the public to know about.[2] With the facts he has gathered, Lichtblau has constructed an ostensibly plausible narrative of events. As an analyst, however, his performance is something else again. Though important questions emerge from his narrative, the answers he supplies are often superficial or worse: muddled, irrelevant, misleading, and/or merely rhetorical.

One problem is the wholesale use of what might

[2] Whether his reporting has irresponsibly compromised ongoing counterterrorism programs is a question I have looked at previously in "Has the *New York Times* Violated the Espionage Act?" Commentary, March 2006.

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be called the dump-truck method of documentation. In covering the Justice Department over the years, Lichtblau evidently accumulated notebook upon notebook full of stories, some of them eventually published by his employers, some of them not. Rather than letting any of this go to waste, he evidently decided to dump into the manuscript a truckload or two, relevant or not. That may explain why, for example, we find page upon page here devoted to cases like that of Brandon Mayfield.

Mayfield was a convert to Islam and a lawyer in the state of Washington who was arrested in 2004 and accused of participation in the bombing of the Madrid railway system that killed 191, the worst terrorist incident in Europe in memory. His fingerprints were found on a plastic bag containing detonators at the scene of the crime. But the fingerprint evidence, usually a foolproof means of identification, proved to be anything but. FBI technicians had botched their analysis and the Bureau then stubbornly ignored the warnings of its Spanish counterparts that the wrong man had been seized.

Without doubt this was a highly unfortunate occurrence. But what bearing does it have on Bush's alleged perversion of U.S. law? The only significant lesson of the Mayfield story—like others padding Lichtblau's book—is that the September 11 disaster by itself did nothing to fix an investigative agency whose single major accomplishment in recent years has been to resist all efforts at reform. If the FBI was cloddish before the attacks,[3] it remained just as cloddish in the days and weeks afterward, even while operating at a higher tempo. But responsibility for the blunders of FBI fingerprint analysts can hardly be laid at the doorstep of the White House, even if, for Lichtblau, it is clearly expedient to suggest otherwise.

A MORE FUNDAMENTAL difficulty with *Bush's Law* is Lichtblau's framing of the broader issues. His palette holds only two colors: black and white. On one side of his ledger is the Constitution and the Bill of Rights. On the other side is the Bush administration, and never the twain shall meet. Although he is fully aware of the unprecedented challenge posed to national security by the 9/11 attacks, and of the belief within the government that a follow-on attack was a near-certainty, Lichtblau declines to suggest what measures might have been appropriate in place of the ones he labors at every step to condemn as "over-the-top."

After a surprise attack that killed thousands of American civilians and in which nineteen out of nineteen perpetrators were from "Middle Eastern" countries, was it truly unreasonable for the Justice Department to single out individuals from those lands for special attention? In Lichtblau's judgment, it was not only unreasonable, it was nefarious. Explaining how such profiling came to be employed, he writes that "[a]mong Ashcroft's base of conservative political supporters the scourge of illegal immigration was red meat, and he and his senior aides knew it." In Lichtblau's view, it was only "xenophobia" and the desire to curry favor with right-wing yahoos that explain how it came to pass that "Middle Easterners boarding a plane in California . . . could be subjected to increased scrutiny." Whatever one thinks of John Ashcroft or such profiling, this caricature is preposterous on its face.

Another case in point is Lichtblau's treatment of what he calls the administration's overriding "penchant for secrecy." This led Vice President Dick Cheney, along with "other hardliners," to set in motion a strategy that included the wholesale withdrawal of information long in the public domain:

> Librarians at public universities that stored government material were ordered to destroy CD-ROMs in their collections on national reservoirs and dams because government officials told them that the information could aid the enemy. . . . Government websites on hazardous waste sites and nuclear materials were taken down. The administration's classification of government documents ballooned, and American spy agencies began reclassifying tens of thousands of pages of documents that had been already publicly available for many years, like the number of American spies in business in 1946.

In a tone of sympathetic outrage, Lichtblau tells of a librarian at Syracuse University who was so "repulsed" by the directive that she cut the proscribed CDs "into tiny shards and threw them away." Singling out the fact that some of the information being classified—like the OSS roster in 1946—was of no possible value to terrorists or anyone else, he writes that secrecy "was both the Bush administration's rhapsody and its ruin."

But did it not make sense, and does it not still make sense, to protect our nation's physical infrastructure, including reservoirs and dams, by removing blueprints and other sensitive information from ready access to those who would do us harm? And did the government have the time, resources, and personnel, in the hours and days after 9/11, to review every single document that might put us at

[3] See my "How Inept is the FBI?" in the May 2002 COMMENTARY.

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risk? Or was it simply more efficient to classify entire categories of documents at once, sweeping up some innocuous data along with the dangerous kind, all of them to be reviewed at a later date? Once again, Lichtblau declines to enter into a discussion of the intricacies involved in meeting the threat, preferring instead to castigate the administration for waging "a war of information" aimed not only at terrorists but at "keeping information from the American public."

Cherry-picking facts, tossing in irrelevancies, and engaging in other underhanded methods of argumentation—one could adduce many more examples than those cited here—Lichtblau fails, all told, to sustain his indictment of the Bush presidency. But just because Lichtblau is a disreputable prosecutor, playing to the gallery and not to the jury, can the indictment itself be so readily withdrawn? In fact, it would be almost miraculous if, over the course of seven years of struggle following the unprecedented cataclysm of September 11, any administration had acted with flawless wisdom or stayed consistently within the confines of the law and the Constitution. When, where, and why did this one go astray?

Answers far more cogent and complex than anything on offer in *Bush's Law* come from a source within the administration itself, in the person of Jack Goldsmith. In 2002, Goldsmith, a law professor of conservative bent, joined the office of the Pentagon's top lawyer, where he worked on legal issues ranging from Guantanamo to missile defense to military commissions. In fall 2003, he was tapped to join the Department of Justice, there to head the Office of Legal Counsel (OLC), the critical sub-unit within the federal government that determines whether the government's own actions are legal. As Goldsmith has explained in *The Terror Presidency*,[4] a memoir of his stormy nine months' tenure, the OLC, by virtue of its obligation to rule on the legality of particular actions *before* they are taken, possesses "one of the most momentous and dangerous powers in the government: the power to dispense get-out-of-jail-free cards."

Goldsmith went into the administration agreeing with and supporting those of its policies and attitudes he knew about. As he recounts in his book, these included its decision to try captured terrorists before military commissions, its ruling that the Geneva Conventions did not apply to al-Qaeda and Taliban fighters taken prisoner, and its skepticism toward the International Criminal Court and the influence of international institutions on U.S. policy in general. But there were decisions taken by the administration that Goldsmith did not know about because they were secret. These concerned such matters as the NSA surveillance program and the CIA's interrogation techniques. Some of them, he discovered fairly rapidly, "rested on severely damaged legal foundations."

How this happened, and whether the lapse constituted an ineradicable stain on the Bush administration, are the issues at the heart of Goldsmith's book. To address them, one has to put oneself in the shoes of President Bush on September 12, 2001. How best to respond to the previous day's disaster?

Bush responded as, presumably, any President would—by mobilizing his administration in an all-out effort not to let this happen again. But a great many things were standing in the way.

One was a seemingly ineradicable torpor engulfing the lower echelons of the Department of Defense, the CIA, and the National Security Agency, the very instruments that make up the sharp end of the American spear. A culture of risk-aversion had taken deep root in these institutions: one manifestation of a profound shift in the years since World War II that had been further exacerbated by legislation enacted in the aftermath of the abuses of Watergate and associated intelligence scandals.

"[F]or the first time ever," writes Goldsmith, "the President's ultimate obligation to do what it takes to protect the nation from devastating attack was checked by a hornet's nest of complex criminal restrictions on his traditional wartime discretionary powers." These played heavily on the lower registers of the security bureaucracies, especially the CIA, instilling apprehension that today's orders to engage in aggressive action might bring tomorrow's inspector-general investigation, a grand-jury subpoena, the end of one's career, possible criminal conviction and imprisonment, and ruinous legal bills.

Reinforcing such trepidations among officials up and down the line was a "swarm of lawyers that rose up in the military and intelligence establishment to interpret multiplying laws and provide cover for those asked to act close to the legal line." In the CIA, the number of lawyers, reports Goldsmith, had risen to over 100. In the Pentagon, it grew to 10,000 strong, enough to fill ten or more pin-striped battalions—and the figure did not include lawyers in the reserves. Officers and intelligence operatives not wishing to be prosecuted later for actions taken now—"retroactive discipline" is the term for this—insulated themselves from risk by having attorneys approve every order in advance

[4] Norton, 256 pp., $25.95.

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of its execution. "If the lawyer said 'no,'" Goldsmith writes, "the official had a perfect excuse for not acting. If the lawyer said 'yes,' the official was effectively immunized from legal liability, including jail."

Goldsmith offers a typical example of the ensuing dysfunctionality. In February 2002, just months after September 11, Pentagon attorneys produced a 30-page legal opinion examining whether terrorists captured on the battlefield in Afghanistan would have to be read a *Miranda* warning ("you have the right to remain silent . . ."). In the national emergency created by September 11, this extreme legalism and the caution it induced would clearly not do. Tackling the problem was a group of high-ranking officials including Alberto Gonzales, David Addington (Vice President Cheney's counsel), and, most controversially, John Yoo, the number-two official in the OLC.

THE OLC was the crucial pivot point. It alone "could provide the legal cover needed to overcome law-induced bureaucratic risk-aversion," and this is what Yoo set out to accomplish in a series of memoranda that put a stamp of legality on the administration's every counterterrorism initiative. And here is where the real difficulties began.

Some of Yoo's memos, writes Goldsmith, "were deeply flawed: sloppily reasoned, overbroad, and incautious in asserting extraordinary constitutional authorities on behalf of the President." Seemingly, they freed Bush to take a whole range of actions without consulting Congress or gaining its assent. Indeed, Yoo had argued that Congress could not

> place any limits on the President's determination as to any terrorist threat, the amount of military force to be used in response, or the method, timing, and nature of the response. These decisions, under our Constitution, are for the President alone to make.

This line of reasoning, comments Goldsmith, was "without any citation of authority," and was not tenable.

Yoo's memos were written in reaction to the pressure of events, but they also reflected something else: a conviction, shared by Vice President Cheney and Addington, that executive power had been unduly sapped over the preceding decades and needed to be restored to its rightful place. The view was hardly without merit, as just one vivid example adduced by Goldsmith illustrates.

In June 1942, eight Nazi saboteurs were captured in the United States; one of them was an American citizen. The group had plans to blow up defense plants and other national infrastructure, along with Jewish-owned department stores. President Roosevelt demanded of Francis Biddle, his attorney general, that the men be tried by a military commission. Although Biddle had reservations about whether the law would permit this, FDR swept such scruples aside. In short order, a commission was established that had "no written procedures," operated in total secrecy, and was not based upon law. The Supreme Court took up a habeas-corpus plea from the saboteurs but then beat a hasty retreat in the face of threats from the White House. In the end, the military commission pronounced a death sentence on six of the eight. A week later, to the approbation of the public as well as the *New York Times* and the *Washington Post*, they went to the electric chair.[5] All this happened in the course of a mere six weeks after their capture.

Compare such proceedings with the ongoing effort since 9/11 to establish military commissions for prisoners in Guantanamo. With the executive branch curtailed, that effort is now dragging into its seventh year with no end in sight. It involves men charged with crimes outstripping anything done by the hapless German saboteurs who had managed only to wander around Manhattan and Chicago, spending $612 of the $174,588 they had brought with them. The fact that captured al-Qaeda terrorists are today being represented by blue-chip law firms and are using the federal courts to challenge every aspect of the government's case offers a glimpse of how radically the cultural landscape has changed.

In Goldsmith's judgment, the Bush administration's effort to push back against the legal restrictions standing in the way of national security was entirely reasonable. But pursuing it in extreme fashion, on the basis of rickety legal arguments and without regard to the political costs, was not. Yoo's assertion of executive power did unquestionably enable the President to move forward with a number of effective initiatives, at least for a time. But

[5] At the time, the *New York Times* editorial page, in remarkable contrast to its stance toward the same issue today, noted that the military commission "was lawfully constituted; and that no cause was shown for the discharge of the prisoners by writ of habeas corpus. . . . The statements made by prosecution and defense counsel made it clear that the accused were members of the German army; that whether or not they landed in a war zone, they came through one to get ashore; and that they went behind our lines wearing civilian clothing. The fact that there were eight of them instead of 800,000 made them no less invaders, subject if captured to military law. The fact that they were not in uniform exposed them to the military penalty of death. In light of what we now know all this is common sense."

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the fact that these were undertaken on a dubious legal footing and without congressional assent, when the same or roughly similar programs could have been undertaken on a sound legal footing and with congressional approval—the Congress was, after all, under Republican control until the end of 2006—led to short-term victories, long-term defeats, and the steady erosion of public support.

One of the most prominent defeats came in 2006 when, in the *Hamdan* decision, the Supreme Court invalidated the administration's laboriously crafted system of military commissions precisely because it had been set up without congressional approval. In this particular instance, it is true, Congress, under appeal from the White House, acted expeditiously to erect a similar system and even handed the President greater powers with respect to captured terrorists. But this was hardly an unalloyed victory. Not only was seeking congressional assent under the duress of an adverse Supreme Court decision a setback to the cause of expanding presidential prerogatives, but the Court had reached its judgment in *Hamdan* less in response to the strictures of the law—Goldsmith is not alone in finding its ruling "legally erroneous"—than in reaction to the "atmosphere of executive extravagance" created by the Bush team. In other words, the administration's dismissive attitude toward Congress had caused a backlash.

"It was said hundreds of times in the White House," writes Goldsmith,

> that the President and Vice President wanted to leave the presidency stronger than they found it. In fact they seemed to have achieved the opposite. They borrowed against the power of future presidencies—presidencies that, at least until the next attack, and probably even following one, will be viewed by Congress and the courts, whose assistance they need, with a harmful suspicion and mistrust because of the unnecessary unilateralism of the Bush years.

This last line of argument has led to widespread acclamation of Goldsmith by critics of the Bush administration across the Left. A review in the *New York Times* hailed his book as a "devastating" portrait of a "highly insular White House obsessively focused on expanding presidential power and loath to consult with Congress." At the same time, John Yoo has been pilloried as a "war criminal" for his role in drafting the "torture memos" repudiated by Goldsmith during his tenure in the OLC. But both the acclamation (at least that coming to Goldsmith from the Left) and the pillorying, the latter extending to a campaign to have Yoo removed from his current tenured position at the Boalt School of Law, are misplaced.

Concerning the torture memos, Goldsmith did indeed maintain that Yoo had reached conclusions about the scope of executive power that "had no foundation in prior OLC opinions, or in judicial decisions, or in any other source of law." This seemed to him indefensible. Goldsmith's action in repudiating the memos caused great consternation in the White House and in the affected agencies, including the CIA, which had engaged in practices that were now, suddenly, in legal limbo. But even in the face of brutal criticism, the OLC prevailed. Bush and his team did not seek to have Goldsmith fired for challenging the legal basis of their policies. Instead, and contrary to the absurd charge by critics like Lichtblau that they transgressed the law at will, they took difficult steps, however reluctantly, to remain within the law as it was now being interpreted by a duly appointed official.

Even more significantly, it emerges from Goldsmith's book that the legal arguments brought to bear by Yoo "were wildly broader than was necessary to support what was actually being done" by interrogators out in the field. Thus, rejecting Yoo's memoranda was by no means tantamount to concluding that those interrogation techniques were themselves illegal. Even in the gray-area case of CIA practices reserved for "high-value terrorists" like Abu Zubaydah and Khalid Sheik Mohammed—and presumably including methods like waterboarding—it was not obvious "whether and which of the CIA's special interrogation techniques" were in violation of the law. In the subsequent six-month-long reexamination by the OLC of the legal issues, "no approved interrogation technique [was] affected." In other words, whatever the dispute about the law, the policy as carried out had been within legal bounds all along.

Why, then, did Yoo, a seasoned scholar steeped in the relevant branches of law, write his memos, and why did the administration follow along? Goldsmith's answer is not unidimensional, but it begins with one word: fear.

In the days and months and even years after September 11, the air inside the upper echelons of government was heavily affected by the "threat matrix," a report produced each day by the sixteen agencies that comprise the U.S. intelligence community and presented to the President and ranking policymakers. Often dozens of pages long, the threat matrix included

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> warnings extracted from the tens of billions of foreign phone calls and email messages that fly around the world each day, from scores of human informants, from satellite photographs, and from other sources. It summarize[d] every known new threat, ranging from obviously false accusations to credible warnings about catastrophic weapons of mass destruction and conventional attacks in the United States and allied countries around the globe. For each threat the matrix list[ed] possible targets, information on the group planning the attack, an analysis of the threat's credibility, and notes about actions taken in response.

Cumulatively, the threat matrix was a terrifying document. "It is hard," writes Goldsmith, "to overstate the impact that the incessant waves of threat reports ha[d] on the judgment of people inside the executive branch who [were] responsible for protecting American lives." To policymakers, September 11 had made it clear that a highly imaginative grand-scale attack on our homeland could be planned and successfully executed. No less clear was that "despite hundreds of billions of dollars in expenditures, 'round-the-clock efforts by thousands of people, and years of learning, the government [had] little 'actionable intelligence' about who [was] going to hit us, or where, or when."

IN 2002, during the period in which Yoo wrote the interrogation memos, such threat reports were "pulsing as they hadn't since 9/11." So loud had the volume of intelligence chatter grown that the conviction grew that a major second attack was imminent, perhaps timed to the anniversary of September 11. Stopping such an attack was an overriding imperative. With reports surfacing of a possible nuclear detonation in New York City, and with al-Qaeda chieftain Abu Zubaydah having been recently taken into custody, there was tremendous pressure on the OLC to give the President a free hand so as to obtain the information needed to avert disaster. Here was the "ticking time-bomb" that critics of the administration had dismissed as spy-thriller fantasy.

Fear—rational fear, not the "panic" derisively conjured up by Lichtblau—was a proper response to such a threat. In acting to avert it, officials may have wanted, in Goldsmith's words, to "push the law as far as it would allow." But none of them, he believes, including Yoo, "thought he was violating the law." In fact Goldsmith pens a qualified tribute to Yoo, noting that he

> has defended every element of the [interrogation] opinion to this day, and I believe he has done so in good faith. Yoo was indispensable after 9/11; few people had the knowledge, intelligence, and energy to craft the dozens of terrorism-related opinions he wrote. The poor quality of a handful of very important opinions is probably attributable to some combination of the fear that pervaded the executive branch, pressure from the White House, and Yoo's unusually expansive and self-confident conception of presidential power.

This seems fair. Moreover, even in criticizing Alberto Gonzales and John Ashcroft more harshly—in effect for being out of their depth—Goldsmith goes some way toward offering a defense of the administration's handling of the crisis, including in possibly extra-legal forays. Here his defense is based upon "honorable precedents" in the American tradition that allow for breaking the law in order to defend it.

Long before Congress restricted the President's wartime authority with laws like the Foreign Intelligence Surveillance Act and the War Powers Act, Presidents faced with extreme threats to the republic had chosen to act outside of the framework of the Constitution. In 1810, Thomas Jefferson put the pertinent principle on paper, in words that speak directly to the situation confronting George W. Bush:

> A strict observance of the written laws is doubtless *one* of the highest virtues of a good citizen, but it is not *the highest*. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation. To lose our country by a scrupulous adherence to written law would be to lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the end to the means.

With the opening of the Civil War in 1860, Lincoln was compelled to pursue Jefferson's "highest" virtue. Writes Goldsmith:

> In response to the secession crisis that began when Confederate forces fired on Fort Sumter, Lincoln raised armies and borrowed money on the credit of the United States, both powers that the Constitution gave to Congress; he suspended the writ of habeas corpus in many places even though most constitutional scholars, then and now, believed that only Congress could do this; he imposed a blockade on the South without specific congressional approval; he imprisoned thousands of Southern sympathizers and war agitators without any charge or

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due process; and he ignored a judicial order from the Chief Justice of the Supreme Court to release a prisoner detained illegally.

Yet even as Lincoln plainly violated basic constitutional precepts, he rooted his actions in a doctrine implicit in the Constitution itself. Goldsmith's summary quotes both from that document and from Lincoln's own words:

> The Constitution requires all federal officers to swear to "support the Constitution," but it requires the President alone to swear to the best of his ability to "*preserve*, *protect*, and *defend* the Constitution of the United States." Lincoln thought this special oath conferred upon him a special constitutional "duty of preserving, by every indispensable means, that government—the nation—of which that constitution was the organic law." He believed that "measures, otherwise unconstitutional, might become lawful, by becoming indispensable to the preservation of the Constitution, through the preservation of the nation."

Eight decades later, in the run-up to and then in the middle of World War II, this same doctrine of national self-preservation was employed by Franklin D. Roosevelt in taking measures that would similarly thrust the Constitution aside. Some, like the detention of thousands of American citizens of Japanese descent, have been roundly condemned by history. Others, like those involved in setting up the Destroyers for Bases program, were bitterly opposed at the time (often in language strikingly similar to the animadversions of today's *New York Times* against Bush) but have been applauded in hindsight as crucial to the survival of Great Britain and the West.

In sum, Bush's men, writes Goldsmith, were "not entirely on thin ice in thinking that President Bush, like Franklin Roosevelt and Abraham Lincoln, had the power under the Constitution to do what was necessary to save the country in an emergency."

If, moreover, the history of the republic's great crises is instructive, just as instructive are the actions taken by Presidents who have *not* been faced with supreme national emergencies like the Civil War or World War II yet have asserted presidential authority in much the same way. One such President, although one would never have known it at the time from the thunderous quiescence of the liberal press, was Bill Clinton. In the Clinton era, observes Goldsmith, the OLC "wrote several opinions arguing that the President could disregard congressional statutes that impinged on the commander-in-chief or related presidential powers." These included, among other things, OLC approval of "the CIA's original rendition program of snatching people from one country and taking them to another for questioning, trial, and punishment," a program for which the Bush administration has been repeatedly lashed by its critics.

They also included, even more strikingly, OLC approval of the bombing raids on Kosovo, "especially controversial because of their scale, because they began without congressional approval, and because they continued in the face of the House of Representatives' affirmative refusal, by a tie 213-213 vote, to authorize them." The political scientist David Gray Adler, cited by Goldsmith, records that Kosovo marked the "first and only time" in our history that a President has disregarded the restrictions of the 1973 War Powers Act, and characterizes Clinton's approach to executive power as one of "absolutist pretensions."

To be sure, there remains the qualification of Goldsmith's that I have already discussed—namely, the Bush administration's insensitivity to "Congress's prerogatives and constitutional propriety." By failing to put its counterterrorism policies on a sound legal footing, and therefore on a sound political footing, the administration, Goldsmith maintains, not only committed serious errors in interpreting the law but sacrificed key objectives (fighting al Qaeda) to a subsidiary one (asserting executive power). Yet whether one accepts or rejects this line of criticism—I found Goldsmith's articulation of it both disturbing and persuasive—it is based upon a thoroughly considered view, one that has taken into account not only historical precedent but the actual circumstances in which the Bush administration was making its decisions.

Agree or disagree with Goldsmith at every point, one does not come away from his book believing that Bush's men acted recklessly. To the contrary: compared with what some of their predecessors did, most notably Roosevelt in his handling of Japanese Americans, they have acted with astonishing restraint in the face of a danger that, by its hidden nature, has exerted a far darker pressure on the responsibilities of statesmen than did the one facing Roosevelt after Pearl Harbor.

Not only that, but their approach has succeeded. Although we still do not know what might yet come at us tomorrow out of the blue sky, the United States, against all expectations, has not been attacked again since September 11. For that reason alone, Goldsmith is surely right in speculating that

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future historians may yet "come to view President Bush as we now view Lincoln and Roosevelt," his constitutional lapses, like theirs, "regrettable but relatively unimportant episodes in the larger arc of liberty." At the same time, Bush's accomplishments "will likely always be dimmed by our knowledge of the administration's strange and unattractive views of presidential power."

THAT SEEMS a subtle and judicious appraisal. How refreshing it is to read such words next to the countless tracts painting Bush and his associates as torturers and aspiring tyrants. Particularly despicable has been the attempt to turn John Yoo into a pariah. In an additional irony, some of those leading the charge—notably, journalists like Eric Lichtblau, James Risen, and their editors at the *Times*—have declared themselves willing to take the law into their own hands whenever it suits them. Brushing aside statutes that apply to all Americans, they have pledged not to honor grand-jury demands for their testimony in investigations of national-security leaks, even gravely serious ones involving the disclosure of operational counterterrorism programs. In an even more egregious assault on our law and on our security, they have elicited classified counterterrorism information from disaffected government officials and published it for everyone, including our mortal adversaries, to devour.

The exact degree of damage wrought by these efforts to undermine government policy is difficult to specify given the secrecy in which intelligence programs, including the NSA program, remain wrapped. But Goldsmith is only the latest in a long line of officials privy to the workings of the NSA program who have testified to the severity of the injury. "I was not opposed to . . . vigorous surveillance of terrorists," he writes of the NSA program. "I agreed with President Bush that the revelations by Risen and Lichtblau had alerted our enemies, put our citizens at risk, and done 'great harm' to the nation."

The degree of hypocrisy in Lichtblau's book and similar journalistic efforts is staggering. It is exceeded only by the intellectual slovenliness with which he and his colleagues have advanced their case, the quantity of self-inflating gush in which they tend to wrap themselves,[6] and the mendacity with which they strive to subvert those who have entered public service to protect the Constitution and the rights and freedoms it guarantees from tenacious enemies. As for those enemies, their own respect for those rights and freedoms, and for prize-winning reporters, is illustrated by the fate of Daniel Pearl of the *Wall Street Journal*; it amounts to taking journalists prisoner and cutting off their heads.

[6] Here is Lichtblau, in *Bush's Law*, describing the epiphany he experienced at the "instant" in which he decided to enter "noble public service" and become a journalist: "There's a moment in time when a fuse is lit, a passion born. The moment is powerful and pungent, and it carries with it the sight and sound and feel of possibilities both real and imagined; the 'swish' of ball hitting net for the first time as a clapping, bounding five-year-old dreams of becoming the next Michael Jordan; the red haze of a sunset bleeding into the greens of a forest on an aspiring artist's debut canvas. . . ."

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What Does Reform Judaism Stand For?

Jack Wertheimer

It is by now a well-documented fact that liberal Protestant denominations in the United States have fallen on hard times. In the mainline churches that once dominated American religious life—and from which emerged the country's political and cultural elites—the pews have been emptying since as long ago as the 1960's.* As the average age of churchgoers edges ever upward, the challenge of recruiting both members and qualified clergy looms larger still, adding to the general sense of demoralization and desuetude. In the meantime, membership in conservative Christian denominations, particularly the evangelical churches, has been swelling.

Against this backdrop, the seeming growth and high morale of Reform Judaism—the Jewish analogue to the liberal Protestant denominations—are nothing short of astonishing. Rather than losing "market share" to its more conservative counterparts, the Reform movement has become *the* label selected by the plurality of those who identify themselves with the Jewish religion. Nor is its success a matter only of numbers. The movement's internal decisions—on everything from synagogue liturgy to the religious status of gays and lesbians to rabbinic officiation at intermarriages—are widely regarded as bellwethers of American Jewish life at large. The voice of Reform leaders is also heeded on issues of American public policy, and as its base has grown, the movement has come to expect its views on these issues to carry considerable weight in the councils of the American Jewish community, if not beyond.

Understandably enough, Reform seems to attract the greatest attention when it appears to be acting contrary to type. Late last year, for example, articles in the general and Jewish press marveled at the release of a new Reform prayer book incorporating a much more "traditionalist" attitude toward long-discarded practices and modes of Jewish worship. What could this signify? A healthy openness and self-confidence or, perhaps, a sudden loss of direction? In either case, the time is ripe for a look at the successes Reform has achieved in the last decades, and at the obstacles that may lie in wait for it.

As it happens, shifts in direction, even radical ones, are nothing new in the history of Reform Judaism. The movement proudly declares its name to be both a noun and a verb, and ever since its emergence in America 150 years ago, it has self-consciously striven to adjust to the rhythm of the times.

Jack Wertheimer *is professor of American Jewish history at the Jewish Theological Seminary in New York. Among his contributions to* Commentary *are "Judaism Without Limits" (July 1997), "The Orthodox Moment" (February 1999), and "The Perplexities of Conservative Judaism" (September 2007).*

* Figures are available at the website of the Association of Religion Data Archives: http://www.thearda.com/mapsReports/reports/US_2000.asp

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In its first period of growth, Reform appealed primarily to Americanized Jews of Central European origin whose families had arrived here in the early and middle decades of the 19th century. By the post-Civil War era, this population had achieved economic success and high social status, and in the process had sloughed off most traditional Jewish practices like observance of the dietary laws (kashrut) and home-based Sabbath rituals. Their synagogues, too, were undergoing what seemed to be an inexorable tide of reformation, introducing organ music, a formal "High Church" aesthetic, abbreviated services, a liturgy largely in English, and rabbinic sermons delivered with oratorical panache.

On the organizational side of Reform, Rabbi Isaac Mayer Wise of Cincinnati spearheaded an effort to weld individual congregations into a Union of American Hebrew Congregations. This body, in turn, founded the Hebrew Union College (HUC) to train rabbis. By the early 20th century, Reform Judaism had become the dominant religious expression of the native elite of the Jewish community (as opposed to the newly arrived immigrants from Eastern Europe and their families who, insofar as they affiliated themselves with religious observance, tended to join more traditionalist synagogues).

Historians have debated the reasons for the movement's rapid spread. Much of the debate is academic, but one question has continued to reverberate: was American Reform built upon a structured ideology—on strongly held principles—or did it primarily reflect a series of pragmatic adjustments to the shifting scene? Perhaps the most sustained attempt to articulate a true ideology was the "Pittsburgh Platform" of 1885. According to that document, drafted at a conclave of Reform rabbis, the movement was committed to Judaism as a religion of ethical monotheism; to a highly rationalistic understanding of the deity, presented as a "God Idea"; to the pursuit of social justice for all; and to a definition of Jewishness as solely a matter of confession. On the negative side, much of the ritual structure of Judaism was dismissed as a throwback to an era now rendered anachronistic by the advances of science and human reason. In particular, the movement rejected "such Mosaic and rabbinical laws as regulate diet, priestly purity, and dress." By the same token, it also rejected any national component to Jewish identity or hope for the restoration of Jews to Zion.

We cannot know for certain how ardently these principles were held by ordinary Reform Jews, as distinct from their rabbis. In Reform congregations, however, men were forbidden to wear a head covering or prayer shawl; dietary laws were openly flouted; and the prayer services pointedly eschewed any reference to the national aspirations of the Jewish people.

This period of what is known as "classical" Reform lasted until nearly the outbreak of World War II, when the movement experienced an influx of new leaders with a different set of assumptions. As the children of East European immigrants became a force within both the membership base and eventually the rabbinate, and with the growth of the Nazi menace in Europe, Reform's longstanding opposition to Zionism began to collapse. By 1937, the Reform rabbinate had accepted a neutral (as distinct from hostile) stance on the issue. During the war, this would give way in turn to a positive embrace of the Jewish national movement, compelling anti-Zionist Reform rabbis to break away and found the American Council for Judaism.

THROUGHOUT THIS period, Reform Jews continued to dominate the leadership of the American Jewish community at large—including the top positions within the Zionist camp, occupied by Rabbis Stephen S. Wise and Abba Hillel Silver. But Reform attitudes were increasingly out of synch with the sentiments of the large majority of Jews in the country, a majority now made up of second-generation Americans who held a generally more positive view of ritual observance and found Reform "temples," with their socially exclusive policies and their emphasis on strict decorum, to be alien places.

As the new Jewish majority moved out of the inner cities and into the burgeoning suburbs, Reform began to adapt. Suddenly, temples were sponsoring such formerly unheard-of rites as bar-mitzvah and, later, bat-mitzvah ceremonies. The shofar replaced trumpet blasts on the Jewish New Year, and head coverings and prayer shawls made a slow comeback.

Some of this "increased ritualism," as it was dubbed by its antagonists, represented a self-conscious effort to compete more effectively with Conservative Judaism, which during the 1950's would overtake Reform as the preferred religious choice of the plurality of American Jews. But many within the movement saw it as a move in precisely the wrong direction, into the benighted past. The historian Jacob Rader Marcus, a revered professor at HUC, spoke for them:

> There are today too many Reform Jews who have ceased to be [religious] liberals. Their Reform, crystallized into a new Orthodoxy, is no

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> longer dynamic. . . . We cannot lead our people forward by standing backward.

Sounding a similar note, rabbis contributing to a 1960 symposium urged Reform to stick to its pristine agenda. As one respondent declared: "We should not fear to be different."

For the next few decades, the movement zigged and zagged without a defined direction. Clearly, it had repented of large parts of its "classical" ideology. But what it stood for was harder to say. For the centenary of its founding in 1973, the movement had hoped to produce a timely statement of principles; the document finally appeared three years later.

AT SOME point in the 1980's, however, things appear to have changed again, and Reform emerged stronger, more unified, and more sure of itself. This is the Reform we know today. Several related initiatives undertaken by the movement help explain the turn in its fortunes. Their common watchwords are "inclusiveness" and "choice."

For one thing, the movement incorporated sexual egalitarianism as a cardinal principle. Initially this meant that women would be treated as complete equals in all aspects of religious and synagogue life. In 1972, HUC had been the first American Jewish seminary to ordain a woman rabbi, a precedent it followed by becoming the first to graduate a woman as a cantor. Over the ensuing decades, women assumed key positions in the governance of congregations and in the movement's national institutions. In time, Reform also embraced openly homosexual Jews, welcomed so-called gay synagogues into its congregational body, ordained open gays as rabbis and cantors, and sanctioned wedding and/or commitment ceremonies for same-sex couples.

Nor were these the only moves toward inclusiveness. Hoping to retain the allegiance of Jews who had married or who wished to marry non-Jews, significant numbers of Reform rabbis began to bless interfaith unions, thereby overturning a long history of opposition to the practice. Congregations, meanwhile, launched "outreach activities" to draw in intermarried Jews and their families. In 1983, the Reform rabbinate turned aside the accepted rabbinic definition of a person qualifying as a born Jew—the traditional criterion is a person whose mother was Jewish—so as to include anyone who had one Jewish parent of either sex and who took part in public acts of Jewish identification (for instance, by attending a synagogue).

In terms of demographics, this particular initiative produced dramatic results: by the turn of the 21st century, over 25 percent of the member families in Reform temples were intermarried.* And no less open-armed was Reform's new approach to diverse types of Jewish expression. In ritual matters, the movement now happily accommodated head coverings and prayer shawls for both men and women during services, while continuing to welcome those who eschewed such garb; synagogues and other institutions began to provide for members wishing to observe aspects of Jewish dietary laws, even as they respected the desires of those partial to prohibited foods. And so forth.

Here the guiding principle has been autonomy and choice. Each individual Jew has the inalienable right to define which aspects of the faith are personally meaningful to him; so long as these choices are "informed," the movement not only tolerates but endorses them.

On two fronts, leaders have pressed hard for their own point of view; in each case, their instincts have appeared to be wholly in tune with the temper of the times. The first concerns synagogue services, which were deemed hopelessly deadening and in desperate need of revision. As Rabbi Eric Yoffie, the head of the congregational body, put it:

> [F]ar too often, our services are tedious, predictable, and dull. Far too often, our members pray without fervor or concentration. Far too often, our music is dirge-like and our Torah readings lifeless, and we are unable to trigger true emotion and assent.

In response, congregations began to experiment with liturgies combining traditional prayers with newly composed prayers and poems; organ and choir music gave way to singing accompanied by flutes, stringed instruments, and drums; rabbis dropped their formal sermons in favor of open discussion. Most noticeably, Reform temples in which congregants were accustomed to sitting passively in pews now freed them to move around the sanctuary—carrying the Torah, dancing during prayers, greeting one another as fellow worshippers.

The final step in this process came last year with the release of the radically revised prayer book for Sabbath and holidays.† As was immediately noticed, the new volume incorporates many more Hebrew prayers than its predecessors and restores much of the structure of the traditional worship

* In Conservative and Orthodox synagogues, by contrast, the respective figures were 12 percent and 5 percent.

† See the review by William Kolbrener in COMMENTARY, January 2008.

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service. At the same time, though, in the regnant spirit of inclusiveness and choice, it also provides ample room for each synagogue to tailor the liturgy however it sees fit.

The second front is the political. Until recently, it was possible to find Reform rabbis and lay leaders active in both the Republican and Democratic parties, and the movement's pronouncements on matters of public policy retained at least a studied semblance of political neutrality. This is no longer the case. In recent years, Reform Judaism, at the prodding of its Washington arm, the Religious Action Center, has issued resolution after resolution in support of Left-liberal positions across an array of political and social issues. It has opposed the war in Iraq and the nomination of Justice Samuel Alito; sharply rebuked the Christian Right; and vigorously supported the left-wing Democratic stance on gay marriage, affirmative action, and school vouchers.

In all of these areas, the Reform movement has aligned itself perfectly with positions adopted by mainstream liberal Protestantism. But Protestant denominations have split badly over questions like liturgical innovation, abortion rights, and gay ordination. In contrast, on some of the most divisive issues of our time, Reform leaders have not only avoided schism but have evidently built a strong consensus.

Although the new prayer book was completed only after an agonizingly long period of testing and discussion, for example, the movement as a whole seems to have weathered its larger "synagogue revolution" (to use Rabbi Yoffie's phrase) without serious resistance. In the course of that revolution, religious ideology has been replaced by a pragmatic tolerance of pluralism, religious services have become dizzyingly eclectic, drawing upon multiple sources and varying from congregation to congregation, and congregations themselves have absorbed a continuous and apparently frictionless flow of recruits from the ranks of other denominations, from the gay and lesbian community, and from intermarried households. This is to say nothing of Reform's openly partisan stance on political matters.

In sum, whatever tempests have rocked the ship of liberal Christianity, Reform Judaism would seem not only to have navigated the storms but to be moving forward with the wind in its sails.

NEEDLESS TO say, a vibrant Reform Judaism would be good news under any circumstances, and all the more so now that Reform has become the largest Jewish religious movement in the country. If Reform were to fail, large numbers of American Jews would likely be lost to organized Jewish life altogether. But is the movement thriving as heartily as its upbeat leaders and spokesmen insist? Is it, by its own standards, succeeding in not only retaining its members but inspiring them to intensive religious engagement?

The answer is a highly equivocal one, and it begins with some stark demographic facts. Aside from the minority who actually belong to synagogues, only 15 percent of self-identified Reform Jews report any involvement at all in Jewish organizational life. More than half, moreover, say they have not attended a synagogue within the past year, nearly half cannot read Hebrew, and 30 percent say they feel distant from Israel.

What we know about persons raised within the Reform movement itself is no less sobering. In 2000, fully 70 percent of Jews saying they were raised Reform were not members of any kind of synagogue, a figure that holds steady across the generational board: among older Jews, baby-boomers, and the so-called gen-x and gen-y populations. Seventeen percent of individuals raised Reform do not identify with the Jewish religion, period. Among intermarried Jews who were raised Reform, this figure rises to 28 percent.

Nor is there any evidence that Reform synagogue membership has grown over the past few decades. If temples are holding their own, it is mainly by attracting people from outside, chiefly from the Conservative movement, which has been commensurately shrinking, and from the ranks of Gentiles married to Jews. Whatever this says about Reform's appeal to outsiders, it suggests a serious weakness when it comes to transmitting a strong sense of Jewish religious identification and commitment to those raised within Reform itself.*

What is the cause of this weakness? A new study of schooling under Reform auspices points to one culprit: the lack of a proper education. For the overwhelming majority of children in the movement, formal Jewish schooling ends at bar- or bat-mitzvah age. More than half drop out of supplementary classes after the seventh grade; of those who continue their studies, two-thirds are gone by grades nine or ten. Despite the declared aspirations of the movement to engage Jews in "lifelong Jewish

* According to the 2000-2001 National Jewish Population Study (NJPS), only 42 percent of the members of Reform synagogues were raised as Reform Jews. By contrast, Conservative synagogues drew 60 percent of their membership from within their own ranks; in Orthodox congregations, 73 percent were raised Orthodox. I am indebted to Bruce Phillips and Judith Veinstein for help in obtaining the statistics that I interpret in the preceding paragraphs.

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learning," its teens and adults have so far declined to heed the message.

The same goes for regular attendance at religious services. According to the 2000 NJPS, fewer than ten percent of Reform synagogue members attend once a week. Sabbath-morning services in most Reform temples attract only the family and friends of the bar or bat mitzvah for a ceremony in which, in the words of Rabbi Yoffie, "worship of God gives way to worship of the child." The central weekly religious gathering remains a one-hour service on Friday evening. This has been the object of major reforms in liturgy and music, and rabbis do report a consequent increase in attendance; but even so, the number of regulars rarely climbs above 10-15 percent of membership.

When the overwhelming majority shun religious study, how are individual Reform Jews expected to make the "informed choices" on which the movement prides itself? When the overwhelming majority cannot be counted on to participate in religious services, what precisely is thriving in Reform temples?

The initiatives to include once-marginalized populations show equally ambiguous and no doubt unanticipated results. Reform institutions are open as never before to women, welcoming them into positions of authority and leadership. Yet even as women have moved from the periphery to the center, Reform men have been moving rapidly in the opposite direction. As numerous congregational rabbis have testified, the declining presence of men is palpable in the sanctuary, in committee meetings, in national study programs, even in the biennial conventions of congregational leaders. Matters have reached such a pass that at the most recent convention, an all-male religious service, something usually associated with Orthodox Judaism, was sanctioned as an experiment in "bonding."

Boys, too, seem to have drifted away. Youth groups and summer camps are filled with female teens who, according to one West Coast rabbi, "wonder where their male counterparts are." In one recent study, boys made up only 12 percent of participants in a leadership camp for ninth graders. On college campuses, similarly, Reform programs struggle to attract males. At HUC, men now constitute only one-quarter of students training to become rabbis, cantors, and educators.

"If you look carefully at the most hands-on people who are running Jewish institutional life today, you are seeing fewer and fewer men," says Rabbi Sheldon Zimmerman, the former president of HUC—an observation manifestly not true of other denominations but very true of Reform. And an analogous situation seems to obtain on the home front. The sociologist Sylvia Barack Fishman has found that within Reform families, fathers participate much less than mothers in the Jewish upbringing of the children. This is particularly the case among intermarried Jewish men—to the point where Fishman concludes that "Reform Jewish men who marry non-Jewish women [are] the 'weak link' in American Jewish life today."

In a movement so proudly identified with egalitarian ideals, the fact that men are fleeing institutional life is mystifying—unless we posit a vast gap between Reform's professed values and the religious desires of its male adherents. In any event, the ironic fact remains that a movement that led the way toward sexual equality in Judaism is now the *least* balanced internally between the sexes. On this score, too, Reform today resembles liberal Protestantism, where men form a dwindling minority in the pews, in congregational leadership, and in the seminaries. Even within Reform, however, few count this fact as a sign of success.

Similarly fraught with complications is Reform outreach to the intermarried. The numbers themselves are undeniably impressive. Among intermarried families in the United States, 62 percent of those joining a synagogue opt for Reform. But this large population has posed a massive educational challenge. How are synagogues to teach non-Jews about Judaism while simultaneously working to increase the knowledge of their Jewish members? One Reform rabbi has waved away this dilemma by noting that in his congregation, Jews and non-Jews possess exactly the same (i.e., minimal) level of Jewish literacy. Others acknowledge the seriousness of the problem, but are at a loss to remedy it.

Congregational schools now draw half their enrollment from families in which one parent was not born Jewish and only a minority of such parents have converted to Judaism. One can only sympathize with teachers trying to cope with the mixed signals sent to children about the diverse religious practices on display in the homes of intermarried families. So far, there seems neither much willingness to recognize the sheer magnitude of the responsibility the movement has taken on nor any sign of appropriate resources being channeled to address it through schools, camps, youth movements, or college programs.

In fact, there is little critical talk at all about the

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consequences of having integrated so large a population of non-Jews and their families into Reform synagogues. Non-Jewish parents who devotedly bring their children to services and classes are now publicly honored as "heroes." But the movement has been silent on the need to maintain an unambiguously Jewish orientation within the family so as to minimize confusion and foster a strong identification with Judaism. In 2005, Rabbi Yoffie floated the idea of tactfully conveying to Gentile spouses that they were welcome to convert to Judaism and would be eagerly embraced. The response from the movement's rabbinic and lay leadership was swift and direct. His proposal was deemed to be offensive to the sensibilities of both non-Jews and their Jewish family members, and was soon a dead letter.

According to the head of a major Reform organization, intermarriage is now so taken for granted in the movement that most Reform Jews no longer see anything problematic about it. This has created a bind for the minority of Reform rabbis and rabbinical candidates who do not wish to officiate at so-called inter-weddings—and who know that they may be denied a pulpit for sticking to their principles. Rather anomalously, movement policy still formally discourages rabbinic officiation at such unions, while respecting the right of individual rabbis to follow the dictates of their conscience. But a commission has been formed to re-examine the matter, and expectations are that it will revoke the present policy in favor of a more "inclusive" one, thereby further undermining those wanting to hold the line.

INCLUSIVENESS, IN short, has brought a number of short-term gains to Reform while exacting a very high price in unintended consequences. So has the movement's stress on the principle of individual choice.

For one thing, by emphasizing autonomy, Reform Judaism has inadvertently weakened the commitment of many of its adherents to the collective needs of the Jewish people. Though the leadership remains intensely attached to Israel and to the welfare of Jews around the world, and has invested in a Reform presence in many parts of the globe, a connection to the Jewish people does not rank high in the priorities of many self-professed Reform Jews. In a recent survey, 44 percent disagreed with the statement, "I have a strong sense of belonging to the Jewish people," and only 21 percent claimed to feel "very emotionally attached to Israel."

Undoubtedly, this connection is even more attenuated among intermarried families and their children. But the emphasis on personalism has clearly enfeebled the allegiances of many born Jews as well. Rabbi David Ellenson, the current president of HUC, declares that the future of American Judaism is "contingent, to a large extent, upon the success Reform rabbis will have in instilling communitarian religious values and commitments." It is hard to fathom how rabbis will succeed at this task given the movement's insistence on the priority of individual choice.

To make matters worse, while rabbis must respect the autonomous right of their congregants to choose which aspects of Judaism they value, congregants need not and do not necessarily respect the autonomous choices of their rabbis, let alone their rabbis' authority to create a hierarchy of choices rooted in traditional Jewish texts and practices. In this connection, it is by no means clear that many of today's Reform Jews have adopted the positive approach of a sizable number of younger rabbis toward those traditional practices.

It is not even clear that the movement's leadership is in accord on this matter. In a remarkable statement issued last summer, Rabbi Yoffie distinguished the Judaism practiced by Reform from other forms of Judaism in these words: "If you take it all upon yourself as an obligation rather than as a choice, you've reached the point at which you're no longer a Reform Jew."

Here, at last, is a candidly non-inclusive position. What it suggests is that in today's Reform, red lines continue to exist to the Right: for a rabbi or a congregant to flirt with the basic concept of religious obligation, or venture too close to traditional Jewish observances, is to rule oneself out.

What of red lines to the religious Left? Are there any limits there? True, the movement disapproves of such outlying phenomena as the Society for Humanistic Judaism with its denial of a personal God, or Jews for Jesus. But, as we have seen, it has accommodated all sorts of other innovation under the rubric of legitimate Jewish expression, and has been remarkably silent on what it would consider beyond the pale.

If Reform Judaism were a movement in its adolescence, this perpetual hankering after innovation, this hunger to be in tune with the latest cultural assumptions, this writing and revising of liturgy, this seemingly blithe indifference to the consequences of the choices one has made might be characterized, indulgently, as passing fecklessness. In a mature organization that is also the largest Jewish denomination in America, one would expect a mea-

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sure of constancy over the long term and a far-reaching vision for deepening the engagement of its adherents. If Reform's leaders have actually thought deeply about the present and future religious needs of the many Jews and non-Jews in their care, or resolved upon ways of raising their levels of Jewish literacy, teaching them the skills needed for a Jewish life, and defining for them Reform's ideal criteria of Jewish observance, there has been precious little evidence of it.

What does all this augur for Reform itself? The movement has wagered its future on the gamble that a coherent and vibrant Judaism can be built on the idea of a big tent, on the informed choice of each Reform Jew, and on a highly elastic definition of both "Reform" and "Jew." Both in what it cannot accept and in what it cannot but accommodate, the movement is very much at one with the individualistic and "pluralist" ethos of contemporary American culture. But for how long will significant numbers of people continue to be drawn to, or stick with, a religious movement that cannot or will not define standards for committed living, and that, except when it comes to political imperatives, has self-consciously shunned the very notion of imperatives? In this regard, the dramatic decline of liberal Protestant denominations may truly serve as a warning of what lies ahead.

No less urgent is the question of what Reform's present position augurs for Judaism as a whole, or for the Jewish people. When one puts together the increasing reliance on large numbers of non-Jewish members, the emphasis on personal autonomy, the minimal level of literacy expected by leaders, the freedom of each congregation to shape its own liturgy and synagogue music, and the low identification with Israel expressed by the rank and file, the inescapable impression is of a movement whose policies, intentionally or not, systematically discount any notion of a collective Jewish enterprise or the solidarity needed to sustain it.

Liturgy, literacy, and religious norms serve in Judaism as binding forces of a common belief system and a common vocabulary; Israel serves as a focal point for common action. All of these are of low priority to a great many Reform Jews and will necessarily become of even lower priority as more non-Jews enter the movement's synagogues, with no requirements imposed or expected. From the point of view of the future unity and distinctiveness of the Jewish people, one can only hope that it is not too late for this movement, which has reversed course so often in the past, to reform itself yet again.

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The Translator's Paradox

Hillel Halkin

MY FIRST paid translation went unpaid. It was commissioned by an Israeli writer named Matti Megged, who, in 1959 or '60, toured America on a grant from a U.S. foundation and ran into me on the Columbia University campus, where I was an undergraduate. A tall, craggy-faced man, the brother of the better-known Israeli novelist Aharon Megged, he discovered I knew Hebrew and offered me $25 to put a short story of his into English. This I did; before paying me, however, he took a bus to New Orleans, was rolled in a bar there, returned to New York with nothing remaining of his travel grant but a Greyhound ticket left thoughtfully in his pocket, and did not contact me again.

I can't say I felt badly cheated: my translation was wooden and never appeared in print. But it was the start of a professional career, because a year or two later, when Schocken Books in New York chose to put out an anthology of Israeli fiction in English, it asked me, solely on the basis of Matti Megged's guilt-ridden recommendation, to do several stories. That was how hard it was to find Hebrew-English translators in those days. The only ones to be had were a handful of amateurs who made their livings from other things, and the quality of their work was low. In his preface to Schocken's *Israeli Stories*, published in 1962, the volume's editor declared with some pride that

> Special care has been taken to avoid the archaisms and crudities in language which in the past have often vitiated Hebrew literature in English. . . . Freed of its artificial quaintness, Hebrew prose can be enjoyed and evaluated like any other modern literature.

Even in the way of the artificially quaint, moreover, the modern Hebrew literature available in English at the time would have fit on a small shelf. There was, as I recall, one other anthology of fiction, Viking Press's *The Whole Loaf*; *In The Heart of Seas*, a novella by S.Y. Agnon, who had not yet won the Nobel Prize; Moshe Shamir's Israeli best-seller *A King of Flesh and Blood*; a selection from the poetry of Chaim Nachman Bialik; a novel about kibbutz life by a now-forgotten author named David Malitz; and a scattering of short stories and poems in various Jewish magazines and periodicals. That was about it.

Today, professional Hebrew-English translators, some of them very good, abound and the shelf has expanded to several large bookcases. To mention a part of their contents, there is the nearly complete work of Agnon; novels and novellas by 19th- and early 20th-century pioneers of modern Hebrew lit-

HILLEL HALKIN, *who writes from Israel, is a columnist for the* New York Sun. *His translation of the first part of S. Y. Agnon's novel* To This Day *appeared in last month's* COMMENTARY. *A different version of the present essay was delivered in April at the Schusterman Center for Jewish Studies at Brandeis University.*

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erature like Joseph Perl, Peretz Smolenskin, Mordecai Ze'ev Feierberg, Chaim Nahman Bialik, Micha Yosef Berdichevsky, Chaim Yosef Brenner, and Uri Tsvi Gnessin; volumes of fiction by post-World-War I Hebrew authors including Haim Hazaz, David Fogel, and Avigdor Hameiri; more fiction by such prominent Israeli novelists of the 1950's, 60's, and 70's as S. Yizhar, Haim Gouri, Aharon Megged, Hanoch Bartov, Pinchas Sadeh, and David Shahar; a vast amount of contemporary Israeli prose, including nearly everything written by internationally known figures like Aharon Appelfeld, Amos Oz, A.B. Yehoshua, David Grossman, and Meir Shalev; and, in addition to several anthologies of Israeli poetry, one or more individual volumes of verse by Yehuda Amichai, Dan Pagis, Avot Yeshurun, Abba Kovner, Leah Goldberg, Meir Wieseltier, Yona Wallach, Aharon Shabtai, Dahlia Rabikovitch, Zelda Shneurson, and T. Carmi, to give a partial list.

And this is quite apart from earlier periods of Hebrew and Jewish literature. At the time I began my career as a translator, the English reader had available one Jewish translation of the Bible, the 1917 Jewish Publication Society edition; today, 50 years later, he has at his disposal half-a-dozen different Jewish Bible translations. And this is just the beginning. In recent years there have appeared two complete new editions of the Mishnah; two complete new editions of the Babylonian Talmud; numerous volumes of classical Midrash; many works of medieval Hebrew philosophy; a generous sampling of medieval Hebrew poetry and prose; a completely new four-volume text of the Zohar; other works of Jewish mysticism; dozens if not hundreds of rabbinic texts and commentaries; volumes of hasidic literature, and so on and so forth, much of it in scholarly editions that come with notes and commentaries. Such a library makes it possible to acquire a thorough education in the classics of Judaism entirely in English.

It is now possible to follow events in Israel entirely in English, too. Nor does this have to be done by means of the *Jerusalem Post*, an English-language daily written and produced by Anglophone immigrants to Israel. For a native perspective on Israeli affairs, there is Y-Net, the Internet edition of the mass-circulation *Yedi'ot Aharonot*, and print and Internet editions of the liberal *Haaretz*, each produced by a small factory of Hebrew-English translators working around the clock. Given the seven-hour time difference between Israel and the east coast of America, the surfer in New York often can know what is happening in Jerusalem before Jerusalemites awaken to read about it in the morning news.

Matti Megged and I were, unwittingly, at the front edge of a wave that has changed Diaspora Jewish life, preeminently in the United States. But the change has not been all for the better. It has contributed to the loss of Hebrew as the international language of the Jewish people.

True, from the time of its demise as a vernacular in antiquity to its spoken revival by modern Zionism, Hebrew was the native language of no Jew on earth. Jews spoke other tongues, and, until the early or mid-19th century, there was hardly a Jewish community in the world that did not have its distinctive medium of speech.

In Russia, Poland, the Baltic states, Rumania, and parts of Hungary, the medium was East-European Yiddish; in Germany and Holland, Western Yiddish; in Italy, Judeo-Italian; in the Balkans, Greece, and Turkey, Ladino; in North Africa and the Levant, various dialects of Judeo-Arabic. Although each of these developed from a non-Jewish base (e.g., medieval German in the case of Yiddish and 15th-century Spanish in that of Ladino), it was partially or entirely incomprehensible to non-Jews. The moment a Jew addressed another Jew in it, a communal "we" was established.

Of course, such a declaration of Jewish identity was also an admission of Jewish dispersion, since the members of one speech community could not communicate with those of another: Yiddish speakers did not know Ladino and Judeo-Arabic speakers did not know Judeo-Italian. But even when speakers of such different languages met, they were not necessarily at a loss as long as they had Hebrew in common.

History offers copious documentation of Hebrew's use as a Jewish lingua franca. The written record goes as far back as the 9th century, when a mysterious traveler known as "Eldad the Danite" turned up in North Africa. Eldad claimed to have come from descendants of the biblical tribe of Dan living in Ethiopia, and he talked in Hebrew—the only language, so he said, that he knew—to the Jews he met. Throughout the ages, traveling Jewish merchants and fund-raising emissaries, generally sent from Palestine, routinely spoke Hebrew wherever they went. The German-Jewish physician Jacob Pollak, who taught and practiced medicine in Persia in the 1850's, wrote of such voyagers encountered by him in Central Asia:

> It is amazing to see how far these men manage to circulate. They travel without a qualm to

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> Samarkand, Bukhara, Kandehar, Harat, and Balk to visit their brethren, going to regions where the ordinary European would be in great danger and getting from place to place on the strength of Hebrew alone, guided by shepherds and nomads through tribal territories infested with bandits and always reaching their destinations safe and sound.

Such men, to be sure, sometimes had difficulty making themselves understood even in Hebrew. The itinerant 19th-century Jerusalem fund-raiser Ya'akov Sapir reported after a visit to Yemen that its Jews had laughed at his Hebrew accent, which they found outlandish and incomprehensible. But even when Hebrew was an unreliable means of spoken communication, every knowledgeable Jew could read and write it.

It was in Hebrew that Jews prayed; studied the Bible and other great Jewish texts; wrote and read works of commentary, philosophy, theology, hagiography, poetry, and fiction; sent each other letters and missives; requested and received legal opinions from rabbinical authorities; and read in translation books written in other languages. (Many of the great works of medieval Jewish philosophy, written in Arabic in Islamic lands, were read by non-Arabic-speaking Jews in Hebrew, in which alone they survived in the Jewish canon.) Until modern times, a Jew with a reading knowledge of Hebrew—and only such a Jew—had access to the thought and creativity of Jews everywhere.

THIS STILL seemed true at the end of the 19th century. As late as 1896, when the distinguished Russian Jewish thinker and essayist Ahad Ha'am founded his periodical review *Hashiloah*, which he hoped to develop into a forum for worldwide Jewish cultural and intellectual exchange, he chose to do so in Hebrew in the confidence that this was the language best suited for the task. Not only did he deem it the natural language of Jewish discourse, but any other language would have been parochial, understood by Jews in some countries but not in others.

Ahad Ha'am's confidence, however, was misplaced. By the time *Hashiloah* was founded, Hebrew as an international language was steeply on the decline, and the journal folded after several years—the very years, it so happened, in which the spoken Hebrew revival was taking root in Palestine. As for American Jewry, by the time Ahad Ha'am died in 1927 it had its own literary review, the *Menorah Journal*, which would have embodied Ahad Ha'am's editorial vision almost entirely were it not for the fact that it was in English. Most of its readers could not read Hebrew at all. They were the first of the new audience of American Jews for whose benefit the great Hebrew-English translation enterprise of the last 50 years has taken place.

Here, then, is a great historical irony. As long as Hebrew was the first language of no educated Jew in the world, it was the second language of every educated Jew; now that it has become the mother tongue of millions of Jews in the state of Israel, it has largely ceased to be studied by Jews elsewhere. It has in effect been demoted to a Judeo-Israeli, a new Jewish regional speech. In both relative and absolute numbers, far more Israeli and Palestinian Arabs now have a working command of it than do American Jews.

If an Eldad the Danite were to turn up today, Hebrew would not get him very far. It is in English that Jewish travelers speak to Jews in foreign countries; in English that Jewish scientists in Russia e-mail to their Jewish colleagues in France and Jewish professionals in Argentina write to Jewish counterparts in Great Britain; and in English that our contemporary Eldads—peoples in remote regions making claims to ancient Israelite roots—enter into contact with the world's Jews.

It is in English, too, that audiences are addressed at international Jewish get-togethers. Some twenty years ago, I attended a conference in Jerusalem whose subject was the fiction of Agnon. All of its participants were Agnon scholars and critics. The language it was held in? English, of course—not only because this was the language in which the conference's organizers wished to publish the proceedings, but because the Israeli presenters were more comfortable in English than the non-Israeli ones were in Hebrew.

Indeed, the very high level of English in Israel enables the tourist there to engage Israelis from all walks of life without having to speak a word of Hebrew. And even when speaking Hebrew among themselves, many Israelis are often subliminally thinking in English: a great deal of the colloquial Hebrew spoken in Israel today is little more than English in Hebrew translation.

ENGLISH HAS become the new international language of the Jews because it has become the international language of everyone. But it has been aided in its displacement of Hebrew by Jewish as-

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similation, which has deprived millions of Jewish children of the Hebrew they once acquired as part of a religious upbringing. Although a functional literacy in Hebrew was very far from universal in traditional Jewish communities, it was the defining mark of a Jewish education and the aspiration of every Jew. It is no idealization, certainly, to point out that in many 19th-century European *shtetls* there were study groups in which ordinary workingmen—coachmen, carpenters, shoemakers, tailors, water carriers, watchmakers—gathered to read basic Hebrew texts like the Mishnah.

Of how many American Jewish university professors, lawyers, doctors, scientists, financial analysts, and hedge-fund managers can this be said today? Of course, there are American Jews professors, lawyers, and doctors who can and do study Hebrew texts; the growth of Jewish day-school education, and the re-traditionalization of a part of the American Jewish community, has even brought about increasing numbers of them. And yet Hebrew as a medium of communication, it must be said, is not greatly emphasized in American Jewish curriculums. I have yet to meet the graduating senior of a day school who, on the basis of his schooling alone, could conduct more than a rudimentary Hebrew conversation or read a contemporary Hebrew novel. Doctor, lawyer, or professor, the Hebrew of such Jews is no better than was the *shtetl* shoemaker's.

What is lacking in contemporary American Jewry is an ethos of Hebrew, the belief that without Hebrew, Jewish lives are incomplete. Although such an attitude was never prominent in America, it did once exist and even flourish in some places. It was found in elite schools where Hebrew was the medium rather than merely the object of instruction; in Hebrew-speaking summer camps that attracted thousands of campers; in a small but intense American Hebrew literary scene, with publications like *Bitzaron* and *Hadoar* and serious novelists and poets like Hillel Bavli, Reuben Wallenrod, Isaac Silberschlag, Simon Halkin, Abraham Regelson, and Gabriel Preil; in American Jewish readers who read such writers. All this has now vanished, along with the feeling that Hebrew is a Jewish necessity.

The Hebrew-English translator has reason to wonder, then, how much of a service he has ultimately performed. Yes, he has helped to spread knowledge, to transport it across linguistic frontiers, to make it available to those without access to it in its original language—in a word, to do what translators have always done. He has made it possible for many Jews to learn about a heritage and its riches that would otherwise be barred to them. Surely, this is a noble calling.

And yet, to whoever bewails Hebrew's plight today and calls for its re-establishment as a central feature of Jewish life, the ready answer is: why? What need for it is there? Granted, there is something to be said for literary connoisseurs reading a work in the language it was written in, be it the Bible, Amos Oz, or Homer. But why demand of ordinary American Jews that they spend years studying a difficult Semitic language when practically everything in it that might be of interest to them already exists in a language that they know?

Most Hebrew-English translators, one assumes, have a love for Hebrew; why else would they have chosen their profession? It was such a love, more than anything, that kept me attached to my Jewishness in the years in which I met Matti Megged, when I had drifted far from Jewish life in other respects. But this only makes it sadder to realize that if Hebrew is in sore straits in America today, we Hebrew-English translators bear our share of the blame for it.

Already in ancient times, the rabbis of the Talmud understood the duality of translation. A midrash in the tractate of Megillah has this to say about a first-century *targum*, a translation of the Hebrew prophets into Aramaic, then the spoken language of the Jews of Palestine and the Middle East:

> The *targum* of the prophets was composed by Yonatan ben Uzziel. . . . When he finished it, the land of Israel quaked over an area of 400 parasangs by 400 parasangs, and a divine voice went forth and exclaimed, "Who is this that has revealed My secrets to mankind?" Yonatan stood up and said, "I am he who revealed Your secrets to mortals. It is known and manifest to You that I did it not for my own honor nor for the honor of my father's house, but for Your honor, so that controversy should not abound in the land."

Yonatan argued the case for translation: if some Jews can read sacred literature in Hebrew and others cannot read it at all, there will be two classes of Jews, one educated and one ignorant. Furthermore, the translated text is the more trustworthy document, it being a characteristic of translation

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that it fills in gaps of meaning, irons out contradictions, eliminates ambiguities by coming down on one side or the other. Every translation is also a commentary—and Yonatan's *targum*, which caused the land of Israel to quake with astonishment and perhaps dismay, was a particularly audacious act of commentary, since it systematically introduced rabbinic interpretations into the biblical text. It indeed gave away God's secrets, to Jews as well as to Gentiles. Whereas the Hebrew reader of the prophets had to struggle with each unclear passage, Yonatan clarified God's word for him—and so deprived him of the opportunity to clarify it for himself. No wonder God felt presumed upon, even if the rabbis let Yonatan have the last word.

Such an ambivalent attitude toward translation runs throughout the Talmud. On the one hand, we find there the statement: "Aquila translated the Torah into Greek in the presence of Rabbi Eliezer and Rabbi Yehoshua and they applauded him, saying, 'Through Grecian grace you have made its beauty known among men.'" On the other hand, there is the remark in the tractate of Soferim, made about the Greek Septuagint, the early Bible translation produced in 2nd-century B.C.E. Ptolemaic Egypt, that "the day on which the elders wrote the Torah in Greek for King Ptolemy was as intolerable for Israel as the day the golden calf was made."

Translation is double-edged. It is the great go-between of humanity, the international hawker of cultural wares, the oldest and most powerful of all globalizing forces. But it is also a golden calf, a false representation. It reveals and thus conceals. It clarifies and so obscures. It betrays our secrets to mankind.

Living in translation has its advantages for the Jewish people: it facilitates communication among them, disseminates Jewish culture, creates a new Jewish literacy to replace the old one that has been lost. Yet it dilutes the culture it disseminates, weakens Jewish distinctiveness, puts Jews at a remove from themselves. It makes them vulnerably transparent to the outside world. A people's language is its private home; in it, it can pursue its own business, conduct its own quarrels, make its own jokes, let down its hair; it can be itself without fear of eavesdroppers. One can argue in a Jewish language about Judaism, about Zionism, about any aspect of Jewish life, but one argues *in* a language, not about it; the language itself belongs to all. Precisely because it is neutral, language has always been the strongest of communal bonds, the magic circle that no interloper could cross.

For the first time in their history, most Jews no longer have a language of their own. They are overheard when they speak to each other. The salient difference between contemporary American Jewish writing and writing in a Jewish language is that the former is also read by non-Jews; it lacks the unambiguous "we" of a community. When an American Jewish author insists on being viewed as part of American rather than Jewish literature, he is only stating the obvious. Even if he wished to write as a Jew, he lacks the privacy to do so single-mindedly.

But does a Hebrew author in Israel enjoy such privacy today? Not when he knows—or hopes—that his novel will soon appear in translation and be reviewed in *Le Monde* or the *New York Times*. Indeed, it is not uncommon today for leading Israeli writers to sign translation contracts with American or European publishers even before they begin work on a book. In what sense are even they writing as Jews for Jews? Certainly not in the sense that Agnon did in an age when translation could not have been farther from his mind as he wrote.

THERE ARE no longer any magic circles. All frontiers have become porous. Transparency is the contemporary condition. We live in a world without secrets.

Still, there is something wondrous in the porousness of contemporary Jewish life, too. Two years ago I spent several weeks at the University of Illinois in Champaign-Urbana, where I gave three lectures on Yehuda Halevi, the great medieval Hebrew poet and philosopher who disappeared on the last leg of a pilgrimage from Spain to the Land of Israel in the year 1141. The first lecture was devoted to my translations of Halevi's poetry, with whose help I sketched an outline of his life. One of them was of the best-known of all his poems, *Tsiyon halo tish'ali bishlom asirayikh*:

Zion! Do you wonder how and where your
captives
Are now, and if they think of you, the far-flocked
remnants?
From north and south, east, west, and all
directions,
Near and far, they send their greetings
As I send mine, captured by my longings
To weep like Hermon's dew upon your
mountains.

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Mourning your lowliness, I am the wail of
jackals;
Dreaming your sons' return, the song of lute
strings.

I read a few more lines, paused for a sip of water, and looked out at my audience, which wasn't very large. Some members of it I already knew from contacts with the university's Jewish faculty; others were new to me. None of them was asleep, which I took to be a good sign. But no one was quite so awake as a woman sitting in the front row. She was an attractive redhead with bright, coppery hair, a woman of about forty, and she was listening to my translation with tears streaming down her cheeks. The teardrops were so big that I could practically count them.

After the lecture, I went up to her. What was it, I asked, that had made her cry? "Oh," she said, and her cheeks turned the color of her hair, "those words went right to my heart. They're just the way I feel about Israel."

"You've been there?" I asked.

"Fifteen times."

"Fifteen times!" I exclaimed. "That must be a record for the Jews of Champaign-Urbana."

"Well, actually no," she said. "I'm not Jewish."

She was, it turned out, an evangelical Christian. Later that week, I visited her and her husband at their home in the Illinois countryside. It was set back 50 yards or so from the main road, and the side of the house facing the road had a large Israeli flag on it. Now the tears were in my eyes.

So Hebrew-English translations cross strange borders. Yehuda Halevi is now overheard, too. It has never been this way before.

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OBSERVATIONS

Top Hat, White Tie, and Tails

Joseph Epstein

STYLE, TRUE style, always outlasts fashion, which by its nature is ephemeral. Fashion goes out of style, but style, if it is genuine, never goes out of fashion.

For some people, to be in fashion is to be in style. They use "style" to mean attractive ornament, flourishes of manner or dress—decoration. Art and literary historians often use the word to refer to the common qualities binding the productions of certain historical periods, as in classical style, baroque style, rococo style, romantic style, postmodern style. Others are content to let "style" or "stylishness" signify anything they admire or fancy: a suit, a handbag, a wristwatch.

True style runs deeper than all these meanings; it is a way of viewing the world that at the same time exhibits a strong indication of what one thinks of the world. Easy enough to see how this sense of style might apply to a painter or sculptor. Through the work they do, visual artists show us, fairly directly, how reality looks to them, or how they wish it to look. In literature, style tends to be represented by point of view. Beneath the surface of their complex fiction, Henry James, Joseph Conrad, Marcel Proust, Edith Wharton, James Joyce, Willa Cather disclose their view of the world's richness, variety, seriousness, humor, gravity, and glory—a view that both forms and informs their discrete styles.

An artist who attempts to base his style largely on that of another artist makes a serious mistake. To have style is to be original. One can as soon copy another style, in the sense in which I have been describing it, as one can take over another person's precise way of looking at the world. One can try to do this, and perhaps even to some extent succeed, but the result will be something very different from style, because very far from originality.

Choreographers have style. George Balanchine had it, and so did Martha Graham, and so does Mark Morris. One can see it everywhere in the formations of the dances they design, in what they ask of their dancers' bodies, in the energy they infuse into the combinations of movement they require, in the rhythms that excite their imaginations.

What about dancers? "How can we know the dancer from the dance?," Yeats asked—never an easy question to answer. In the case of Fred Astaire (1899-1987), it is made more complicated by the fact that he choreographed many of his own dances; and even when Hermes Pan, or Michael Kidd, or some other Hollywood choreographer took the screen credit, one has the feeling that, such was Astaire's fame and authority, in most instances the final word was his. Even under the sway of another's choreography, Astaire's style left its own strong stamp.

Not all of Fred Astaire's dances for the movies, of which he made more than a hundred, were entirely successful. Because of lapses in taste—sometimes his own, more often those of choreographers or scriptwriters—he occasionally flubbed the dub. Examples include his comic dances with Betty Hutton in *Let's Dance* (1950), his sad parody of early rock 'n' roll with Kay Thompson in *Funny Face* (1957), one or two of the numbers from *The Sky's the Limit* (1943). But, overall, his accomplishment was of a

JOSEPH EPSTEIN *is a regular contributor to* COMMENTARY. *In somewhat different form, the present essay will appear in his new book,* Fred Astaire, *due out in the fall from Yale University Press.*

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very high order, and even these less successful dances had his distinctive style stamped on them.

How is it that the great dancers and choreographers of the 20th century agreed on Fred Astaire's brilliance? Merce Cunningham, Margot Fonteyn, Rudolf Nureyev, Mikhail Baryshnikov, Jerome Robbins, George Balanchine did not hesitate to invoke either the word "genius" itself or words that, when brought together, spelled out genius. Even Serge Diaghilev, the great impresario of the Ballets Russes, was reportedly much impressed by Astaire's "charm and musicality."

This is all the more remarkable when one considers that dancers are not notably generous in their comments about fellow dancers. When Nureyev was asked by the director Ken Russell to play the part of Nijinsky in a movie Russell was planning, he is said to have responded: "Why would I want to play the part of an inferior dancer?" Yet this same Nureyev called Astaire "the greatest dancer in American history."

What did they all see when they saw Astaire dance? I suspect they saw a technique so assimilated to performance that the technique was all but invisible. They saw a man not only striving for perfection in what he did but coming very close to achieving it. After one has identified and accounted for Astaire's multiple steps and moves—his swirling leaps, his twirling jumps, his slams, shuffling tap passages, spinning lifts, crazy-legged noodling, skips, hops, leg jabs, tap spins, struts, lunges, back kicks, tap barrages, high-stepping, stamping, darting, soft spins, arabesques, hip flips, saunterings, steps done with a slight retard, crossovers, knee-and-pelvis jerks, strolls, turning jumps, syncopations, quick circling steps—one still has not accounted for the magic in his performance.

Can it be pinned down? Astaire himself seemed to suggest that the attempt to do so wasn't worth it. "I don't know how it all started," he told an interviewer, "and I don't want to know." "I'm just a hoofer," he would say; or, "I made a pretty good buck." He did allow, though, that he had done

> a great deal of listening and studying. I was pleased with lots of things but kept thinking of what I would like to try if I ever got in a position to make my own decisions.

The aesthetic behind Astaire's ballroom and tap dancing is always clear, even if, unlike the case with ballet, it has no central principle. The critic Edwin Denby, who wrote about dance with greater clarity than anyone I have read, remarked that ballet was the art of balance: how simple a formulation, and how splendidly explanatory! Read it and you understand at once that this is essentially what ballet is about: delicate balance, gracious balance, floating balance, leaping balance, but always, in the end, balance.

Neither ballroom nor tap has a similarly central principle. We might say that ballroom dancing should show fluidity, suavity, flair, above all a nice reciprocity of intimacy accompanied by elegantly disguised effort. Male and female created He them, the Bible says, and great ballroom dancers in their own way attempt to show one of the reasons why.

A subtle ballroom dance should hint at a story, preferably a love story: passionate or joyous, a fantasy achieved. But in contrast to ballet or the more strenuous kinds of modern dance, ballroom dancing would seem to call for no special training. Everyone, presumably, can do it, though some do it a great deal more smoothly than others.

In our day, ballroom dancing has become oddly professionalized and more than a mite goofy. The second most popular show on television is called *Dancing with the Stars*, pairing third-tier celebrities with professional ballroom dancers. Televised on PBS each year is *America's Ballroom Challenge*, in which dancers (many of them instructors) compete in the categories of International Standard, American Smooth, American Rhythm, and Latin. The women who enter this competition tend to be dramatically romantic and frankly sexy—a point emphasized by their slashed gowns and towering heels—the men muscular with their hair pomaded to a high Valentino sheen. "Garish," if not "vulgar," is the word that best captures the spectacle.

An amusing Australian movie, *Strictly Ballroom* (1995), scored many comic points against the artificiality of contemporary ballroom-dance competitions. But what one quickly learns from watching such dancing at even its most accomplished and highly dramatized is how quickly it turns dull. And this, too, reminds one of how large was Astaire's achievement: he never came close to dull.

Tap dancing, though more virtuosic and frequently performed solo, evokes a similar problem: how to hold the interest of an audience through the intricate and rhythmical slapping of one's feet upon the ground. The basic narrative of every professional tap dance is a crescendo of difficulty: from the simple to the (all but) impossibly complex, often ending in exhaustion. What Fred Astaire did was to come up with endlessly different combinations within the confines of this rather strict form.

Many of Astaire's tap routines spun around comic themes—drum bits, or empty shoes flying out of control, or tramps going uppity, or dancing while whacking golf balls off a tee; the underlying theme here is the simple bloody joy of being alive. Sometimes, he and his partner would break out of a ballroom dance and elide into a tap-dance duo, then return to ballroom or veer off into jitterbug. The physical delight was the thing, and to hell with the conscience of the king.

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To bore, in show business, is to die. "I have always tried," Astaire wrote in *Steps in Time* (1959), "to carry out my steadfast rules of not repeating anything in dance that I've done before." Working and reworking his numbers, he devised endless combinations, everywhere changing the alternations of steps, spinning off the tried and true, innovating wherever possible, keeping the ball in play, the game in action. And he knew how to take a dance up to the edge, teetering there, reaching beyond what seemed the point of no return, riveting all our attention and then landing oh so gently in a you-may-now-quite-justifiably-applaud posture.

OF COURSE it wasn't the steps alone but how Astaire executed them, the special touch, twist, zing, and flair he gave to them. He did this by means of choreographical skill, but he also did it by his style.

Different dancers derive their power from different parts of their bodies. Leo Lerman, a balletomane of many years' standing, thought that Baryshnikov's strength came from his perfectly shaped feet, Nureyev's from his buttocks, Edward Villella's from his thighs. Outside ballet, Gene Kelly's power derives from his muscular legs. Fred Astaire's derived from his entire body.

Feet, arms, legs, torso, hands: all are brought into play in his dances. "Astaire sells body motion," said the dancer Charles "Honi" Coles, "not tap. He's a descriptive dancer who works painstakingly with his musical accompaniment; he was the first to dance to program music, describing every note in the dance." This is why Astaire's rehearsals were so long and so arduous. Every physical element—eyebrows, smile, the placement of a little finger—had to be in order, nothing could be left to chance. He had to meet expectations while also surprising; predictability was not permitted.

Yet all the practice, all the care over the most minuscule of details, could produce only limited results if great talent was not there. The root and base of Astaire's talent as a dancer (and as a singer) was an astonishing feeling for rhythm. In 1935 he did a radio show, *The Packard Hour*, in which he actually danced on air, a feat that entailed a great deal of machine-gun-like tapping. Dancing on the radio—it sounds like a joke, and is reminiscent of a bit in one of Buster Keaton's movies where Keaton juggles on a radio amateur hour. In the movie, the camera cuts away to people listening at home, twisting the dials on their radios, banging on the cabinets, thinking there has been a disconnection, while in the studio Keaton solemnly juggles away. No one seemed to mind sitting home listening to Astaire dancing, picking up his wondrous, always varying beat on the old family Philco.

Because Astaire heard the music better than anyone else, he danced better to it than anyone else. Something similar has been reported of George Balanchine, whose greatness is said to have come from his perfect intimacy with the music to which he choreographed his elegant or passionate or joyful dances. "George works from inside the music," said the composer Nicolas Nabokov. "He is the music." Balanchine, apparently, agreed, saying of Astaire, too, that he was "like Bach, who in his time had a great concentration of ability, essence, knowledge, a spread of music. . . . [T]here is so much of the dance in him that it has been distilled."

Think about the most heightened moment in any sport—the overhead smash in tennis, the home run in baseball, the running slam-dunk in basketball, the long, perfect putt in golf. In his dances, Fred Astaire accomplished their equivalents again and again and again. Starting calmly, these dances rose to a succession of repeated smashes, slams, homers, perfect putts. Did he gain the kind of pleasure out of these wonderful moves that athletes do from mastery in their own sports? From all one has heard about his insistence on more and more "takes" in the movies he danced in, my guess is probably not. What he probably thought was that next time he could do it a touch—a decisive touch—better.

Although as far as I know Astaire never used the word "elegance," pure elegance is what he was aiming for on the dance floor, in his movie persona, and in his life. Perhaps that is why many of his comic dances, ingenious as they are, do not live up to his high standard. Comedy isn't elegant; it is usually elegance falling on its duff. Elegance is polished, refined, graceful, poised, tasteful, urbane, restrained, precise, measured, never overdone. Some animals come by elegance naturally—cats, a small number of snakes, young horses, cantering giraffes. Not so human beings. Men and women who desire elegance must work at it, and even endless work does not guarantee results. Fred Astaire sought and attained elegance to a very high power.

IF PERFECTIONISM prevented Astaire from ever being quite happy in his own achievement, he made extremely happy those of us who watched him at his splendid cavortings. Joy is what he gave to millions of people who saw his movies and the large numbers of people who nowadays continue to watch them at home. It has been given to a small number of performers to make people happy in this way. Louis Armstrong was one; the young Judy Garland was another; Charlie Chaplin and Buster Keaton qualify; Ella Fitzgerald and Margot Fonteyn may be two more. A few names could be added to the list but the number, in the end, will remain small.

Top Hat (1935) is often considered to be Fred Astaire at his zenith, the best movie he and Ginger Rogers made together. *Top Hat* was their fourth film, and Astaire was much

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put off by the script. For one thing, it closely followed *The Gay Divorcee* (1934) in revolving around a case of mistaken identity; for another, the part he had to play was, as he put it, essentially that of "a *straight* juvenile & rather arrogant and cocky one at that—a sort of objectionable young man without charm or sympathy or humor." A sign of the script's weakness, he felt, was that in not one but two scenes, Ginger Rogers slaps him. Something wrong there.

Astaire was right: in this movie he does play a species of ninny, a well-off show-biz ninny named Jerry Travers. But it is also the movie in which he sings what is perhaps his signature song: "Top Hat, White Tie, and Tails." He dances it solo before a chorus of men similarly dressed in top hat, white tie, and tails, whom he later shoots down, firing-squad fashion, with his walking stick. He and Ginger Rogers also do "Isn't This a Lovely Day" in a gazebo where they have sought refuge from a heavy rain, facing each other as they tap-dance away. The movie has Astaire and Rogers dancing to "Cheek to Cheek"—which, even with her notorious flying blue ostrich feathers, is still a knockout. In an earlier solo, to "No Strings," Astaire first does a hard tap and then a soft shoe over sand to lull the Rogers character to sleep in the hotel room below his. Toward the end, the two do "The Piccolino," a song in the style of "The Carioca" (from the 1933 *Flying Down to Rio*) and "The Continental" (from *The Gay Divorcee*), songs with large dancing choruses, somewhat Busby Berkeleyan in their geometry and overhead camera work. The movie concludes in an abbreviated dance version of "The Piccolino," with Astaire and Rogers, he in top hat and overcoat, she in gown and white fur, stepping out for a night in Venice—a super-energized, hokey, yet somehow just right finale.

Why does this nonsense charm? Part of the charm, surely, is in the perfect irrelevance of all that has gone before. Nothing more is at stake in this movie than that Ginger Rogers finally get straight about who the Fred Astaire/Jerry Travers character really is and who he is isn't (he isn't the husband of her dear friend, played by Helen Broderick), so that they can dance off together—which is precisely what, at movie's end, they do. You have this pretty girl and this far from handsome yet smoothly attractive guy, and the two of them join together to dance like nobody else, before or since, and some terrific music is playing much of the time.

That is all there is to it; a mere entertainment. But wouldn't it be great if life had more such moments: glamorous, romantic, elegant, and uncomplicatedly happy?

"ART" WAS another word I don't think Astaire ever used in connection with his work, except to pooh-pooh it. He never thought of himself as other than an entertainer, and longed only to be the best it was in him to be. For him, entertainment, with its applause and boos and box-office figures, was real. Art was something else, an aspiration he never avowed, a pretense he never claimed.

He was not, I think, a genius. Schopenhauer, in his essay on the subject, makes the necessary distinction. Talent, he wrote, "is like a marksman who hits a target that the rest cannot reach; genius, one who hits a target they cannot even sight." Astaire, by this definition, was no genius. He was immensely, winningly talented, and what made him great is that no one worked harder to get the most out of his talent.

Why, then, did nearly all the great figures in the art of dance claim genius for Astaire, and if not genius then artistry of the highest caliber? Someone once said of the signature dance of a famous ballet company that it tried to pass itself off as art but was no more than entertainment. In the case of Fred Astaire, the reverse is often the case: what he did was to elevate the entertainment of popular dance into an art. He did it through a natural talent, an uncanny rhythmic sense, an inexhaustible imagination for dance invention, and a fanatical commitment to polishing to near-perfection everything he attempted. He did it, too, by dint of superior taste and sublime style, and while at it he also established that it was possible to bring a touch of the aristocrat to a thoroughly democratic society.

His rendering, in voice and afoot, of "Top Hat, White Tie, and Tails," his soft-shoe number danced in sand, his and Ginger Rogers's whirling, swirling rendition of "Cheek to Cheek." These things stick in the mind; they are unforgettable. They register grace notes, from a man who took the gift of his talent and through unrelenting work made to the rest of us a gift of his art.

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OBSERVATIONS

Why Malamud Faded

Cheryl Miller

IN THE days when American Jewish fiction was at the high-water mark of literary prestige, Bernard Malamud was universally acknowledged as one of its three leading figures (the other two being Saul Bellow and Philip Roth). From the mid-1950's through the late 60's, he was considered a master of the American short story, and taken with the utmost seriousness as a novelist. He received every major literary award in the United States, and achieved significant commercial success with his 1966 Pulitzer-prize-winning bestseller, *The Fixer*.

Four decades later, however, Malamud's name is "fading, his readership and literary standing in danger of decline." These are the words of Philip Davis, whose *Bernard Malamud: A Writer's Life** is the first full-scale biography of, in Davis's estimation, a "major writer of the 20th century." Davis is a sensitive and intelligent researcher, and his book is a valiant effort at reclamation; but he does not answer the central issue he raises: why would the work of a major writer be at such risk of disappearing?

Malamud is regarded today, if he is regarded at all, as a chronicler of a time long past—as, in Philip Roth's cruel summary, "some quaint remnant of the Old World ghetto, an out-of-step folklorist pathetically oblivious of the currents of literature and society." Whereas both Roth and Bellow set out to direct those same "currents of literature and society," the writing that made Malamud's reputation is, in this reading, essentially fabulist in nature, populated by Jewish characters over whom the rhythms that drove life in the *shtetls* of Eastern Europe still exercise an unmistakable power.

It is probably too facile to claim that Malamud's reputation has suffered because he achieved his stature at the same time as Roth and Bellow, who similarly rose to prominence by writing for the same small magazines (including COMMENTARY) but who displayed a greater engagement with the present moment and a more colloquially gripping prose style. The contrast did not hurt Malamud at the time, and there would be no reason for it to injure his standing in retrospect. To the contrary, the timeless quality of Malamud's storytelling might have helped it to endure longer than the more perishable social commentary of Roth and Bellow.

Was it, then, Malamud's later work, ranked disappointing by many critics, that did fatal injury to his reputation? Davis argues that his last three novels—*The Tenants* (1971), *Dubin's Lives* (1979), and *God's Grace* (1982)—are in fact more interesting than they were given credit for upon publication. Perhaps so. In any case, an adverse judgment on Malamud's final decade should not affect the status of his most successful and most admired work—including short stories as powerful as "The Magic Barrel," "Idiots First," and "Take Pity," and novels as memorable as *The Assistant* (1957) and *The Fixer*.

So what *does* explain the decline in his standing? Perhaps the best way to address this question is by trying to isolate the moment at which Malamud went into eclipse. That would have been 1974, when Philip Roth published an essay in the *New York Review of Books* enti-

CHERYL MILLER, *a new contributor, is a 2007 Phillips Foundation fellow in journalism and the editor of* Doublethink *magazine.*

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tled "Imagining Jews." The essay was a body blow, delivered by a vigorous writer just turned forty, to a "spiritual father" two decades older whose life had been immeasurably more difficult.

"WE NEED some sort of poverty in our lives, some sort of burden," Malamud would tell aspiring writers. Born in Brooklyn in 1914 to a poor immigrant family, he had had more than his share of both. "It was not very good anywhere until the Depression," he once ruefully joked; "then it was bad."

Bernard's father, Max, tended a failing grocery store. His mother, Bertha, suffered from schizophrenia. When the boy was thirteen, he found his mother lying on the floor, foaming at the mouth—an attempted suicide. She was sent away to a mental hospital, never to return home. On Mother's Day 1929, she died. Malamud's younger brother, Eugene, inherited their mother's illness and had to be repeatedly hospitalized until his death of a heart attack at age fifty-five.

In 1932, Malamud started out at the City College of New York with the intention of eventually becoming a teacher. To his great embarrassment, he would flunk the qualifying exam twice. Through a friend, he landed a job as a clerk in Washington, D.C. If he finished his work by lunchtime, he could spend the rest of the afternoon writing what he called "mood pieces," mostly fictional, for the *Washington Post*. They sold for only five dollars, but they gave Malamud hope. Soon, with luck, "the true writing life" would begin.

Meanwhile, against his father's wishes, Malamud married an Italian Catholic, Ann de Chiara. A "nervous marriage," it nevertheless gave order to a previously restless life. With Ann's help, he found a job teaching composition at a small agricultural college in Oregon. Early in his time there he began to mine his childhood days in Brooklyn, writing "simple stories about simple people." These tales of peddlers, bakers, and grocers soon found their way into the pages of little magazines. At thirty-eight, he published his first novel, a peculiar baseball fable called *The Natural* (1952), followed by *The Assistant* five years later.

When his collection of stories, *The Magic Barrel*, won the National Book Award in 1959, Malamud was finally established as a writer: "Now I join the sacred company," he told Ann. In 1961, the year he took up a teaching position at the more prestigious Bennington College in Vermont, he brought out *A New Life*, a novel based on his experience in Oregon. Five years later he hit it big with *The Fixer*, a fictionalized account of the unjust imprisonment and trial of the Jewish factory worker Mendel Beilis in late-czarist Russia for the murder of a Christian boy.

His daughter Jenna remembers Malamud muttering to himself as he shaved, "Someday, I'm going to win." But he never did—at least, not the Nobel Prize he hoped would be the crown of a distinguished career. When Saul Bellow won in 1976, Malamud ruefully wrote in his notebook, "21 October: Bellow gets Nobel Prize. I win $24.25 in poker." He died a decade later after watching his two final novels greeted with indifference or outright scorn. He had also endured Philip Roth's assault, compounded by Roth's revival of his own flagging reputation with a short novel, *The Ghost Writer* (1979), about a younger author's relationship with an older, slower writer so obviously based on Malamud that there seemed no need to rename him E.I. Lonoff.

ROTH'S ESSAY of 1974, "Imagining Jews," purports to be a defense of its author's *Portnoy's Complaint* (1969)—if any defense was necessary for a book that, as Roth himself notes, had sold over 400,000 copies upon its publication and made him a "celebrity." But the actual subject of the essay was the battle for primacy between fathers and sons, between artists and their disciples, and between the individual and his community.

As a young writer, Roth explains, he found himself coming up against the expectations of his elders—both his actual and his literary elders—and their imaginings of what "a Jew" is or ought to be. His own early work, both the short stories collected in *Goodbye, Columbus* (1959) and the novel *Portnoy's Complaint*, had been attacked as vulgar, low-minded, even anti-Semitic. With the attacks continuing into the 1970's, Roth now looked back at his forebears, the Jewish writers who had come before him and had helped define what it meant to be Jewish in America.

The investigation would turn into an arraignment of both Bellow and Malamud. In their works, Roth locates what he sees as a concept of "ethical Jewhood"—the idea that Jews are or should be characterized by "righteousness and restraint," in contrast to Gentiles who are characterized by appetite and desire. Fortunately for Bellow, or so Roth declares, this schema—the "good Jew" and the "bad goy"—forms only the "bare bones" of his work; his novels are "too ambiguous, too self-challenging . . . to be the vehicles of ethnic propaganda or comfort."

Not so Malamud, however. In *his* work, Roth writes,

> these tendencies are so sharply and schematically present as to give [his] novels the lineaments of moral allegory. For Malamud, generally speaking, the Jew is innocent, passive, virtuous, and this to the degree that he defines himself or is defined by others as a Jew; the Gentile, on the other hand, is characteristically corrupt, violent, and lustful, particularly when he enters a room or a store or a cell with a Jew in it.

In Malamud's portraits of "victimized Jewish men," Roth sees the valorization of Jewish weakness, the fetishizing of Jewish pain. Are

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there no Jews, he asks, who desire vengeance, who ever act against their better natures? Are there no Jews whose "secret desire" is "really to give way and be bad—or at the least, if [they] could manage it, worse?"

Compare, Roth suggests, Malamud's 1957 novel *The Assistant* with Norman Mailer's "The White Negro," an essay published in the same year. The two works involve strikingly similar situations: the robbery and beating of an elderly shopkeeper by two masked hoodlums. For Mailer, the assailants are the heroes, bold men who have broken with convention and who "dar[e] the unknown." In Malamud's telling, it is the shopkeeper, the powerless Jewish grocer Morris Bober, who is a model of courage and moral integrity, while his attackers are puny cowards.

One of those assailants is the Italian drifter Frank Alpine, who, like one of Mailer's heroic thugs, "shiver[s] with pleasure" at the violent acts he will commit. But Alpine, a disordered man at the mercy of his desires and unable to control his warring impulses, finds himself tormented with remorse over his actions; in penance, he converts to Judaism and takes over the store to help pay for the college education of Bober's daughter Helen, with whom he is in love.

In Bober's and Frank's high-minded acceptance of suffering, Roth sees only more Jewish masochism. The point of *The Assistant*, he asserts, is that "renunciation is Jewish and renunciation is All." Bober renounces his desire for vengeance against Frank, and Frank renounces not only his murderous rage but his previously Portnoy-esque lust for the beautiful Helen. Roth invites his readers to imagine Norman Mailer's disgust at this portrait of the newly Jewish Frank Alpine, a would-be criminal who lacks the nerve to dare the unknown.

"Dare the unknown" is, indeed, Roth's exhortation to American Jews and American Jewish writers alike. It is, he writes, "the Jew in one that says, 'No, no, *restrain* yourself!'" Only when the Jew can feel as free as the Gentile to indulge his appetites, to give himself over to his lusts, will he be free.

There could hardly have been a more ironically appropriate fate for a writer like Malamud, so concerned with the fraught relations between fathers and sons, than to be done in by Roth's act of literary parricide.

AS HIS standing dwindled, Malamud worried that he had short-changed himself and those around him. Had he, like the luckless Morris Bober, given his "life up for nothing"? He had always been a pained and painstaking writer. Now he came to believe that in his pursuit of the "perfection of the work" (to use a phrase from Yeats that had special meaning for him), he had deprived his family and friends of the father and companion they should have had. All his life he would feel guilty about having abandoned his own father and his sick brother for Oregon, even though Oregon had opened the way to his life as a writer. His relationship with his wife and children was troubled; he had spent too much time in his study, cut off.

In a letter to a friend, the painter Rosemarie Beck, Malamud noted that James Joyce had called himself the "foolish writer of a wise book," and said he feared the same for himself: "It's true—one garners his strength for his books and remains a weakling." But, Malamud wondered, what about one's moral obligations? What of Joyce's "insane daughter Lucia, who might with more love and care on his part had lived a useful life"? Roth's "man of stern morality" felt he had not always lived up to his own ideals.

Roth had one answer to the problem of balancing the competing demands of freedom and obligation. The freedom of the artist must be given primacy, and Jewish writers had to break out of the shackles of history and identity in order to define for themselves who and what they were. Granting for the sake of argument the small kernel of accuracy in Roth's characteristically crude portrayal of Jewish history and identity, or of the dichotomy between "the Jew" and "the Gentile," Malamud's answer—and his great theme—was precisely the opposite.

In *The Assistant*, Frank Alpine follows his desires wherever they lead, only to find himself racked with regret. Stealing and lying come easy to him, but they do not get him any of the things he really wants: the love of Helen, a business of his own, self-respect. If his fate is not to follow the example of Morris Bober, it will be to follow the example of his drunken partner, Ward Minogue, into moral and spiritual degradation—living only for himself, and dying alone.

The same dilemma confronts many Malamud characters, who continually try to resolve it and continually fail. In *The Natural*, the baseball player Roy Hobbs chases after the beautiful Memo, the mistress of a teammate, and is also briefly captivated by the charms of Iris Lemon. At the outset of Malamud's academic novel *A New Life*, Seymour Levin imagines "a new utopia, everyone over eighteen sexually satisfied, aggression reduced, peace in the world." Key to Levin's private utopia is Pauline Gilley, with whom he has his first successful dalliance in Cascadia (a fictionalized Oregon) and whom he sees as merely an "object of experience . . . not necessarily of commitment."

To their immense surprise, however, Malamud's protagonists keep finding themselves entangled in complications against their will. Sex, they find, is inextricably tied to responsibility, and the sexual freedom that promises "peace in the world" offers nothing of the sort. Iris interrupts her lovemaking with Roy to inform him that she is a grand-

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mother. After her first tryst with Levin, Pauline reminds him she has two children. When, finally, Levin succumbs to the advances of a beautiful young student, he discovers to his chagrin that he feels no real desire for her, while in the meantime his foolish moment of weakness has threatened everything he values, including Pauline and his job.

In *The Assistant*, Helen Bober wants "to be free," and so, she tells Frank, she too has in the past "settled for sex"; but she soon learned that "if you're not in love, sex isn't being free." The remark illustrates one of Malamud's complicated paradoxes: without responsibility, without obligation, there can be no freedom. It is only after Levin pledges himself to Pauline and her two children in *A New Life* that he is at last free from the restless wandering of his past, at last able to do something right.

By living only for the self, Malamud suggests, one cuts oneself off from others and thus from the possibility of love. It is a theme splendidly realized in one of his greatest short stories, "The Magic Barrel." An "unloved and loveless" rabbinical student named Leo Finkel goes to a matchmaker, Salzman, to help him find a wife and thus enhance his prospects of being hired by a congregation. But Finkel, as Salzman exasperatedly notes, is very "*partikiler*," finding flaws in all the women presented to him. One is too old; another, lame; yet another, a widow.

Frustrated in his search, Finkel fires the matchmaker, thinking he can do better on his own. Then, among the pictures Salzman has left behind, he comes upon a photo of a woman with whom he falls desperately in love. It is the matchmaker's daughter—a whore, as he later finds out. The father tries to dissuade him, but Finkel insists on a meeting. As the story ends, Finkel approaches the girl, and "violins and lit candles revolve in the sky."

Finkel is "unloved" because he is "loveless." When he first contacts the matchmaker, he thinks of women only as merchandise on offer. He learns that love must be given without reservation. Only when he stops searching and forgets the reason he went to the matchmaker in the first place does he find his bride.

"The Magic Barrel" has a further twist. After the matchmaker agrees to arrange a meeting, Finkel suddenly suspects that Salzman "had planned it all to happen this way." It is the sort of reversal that occurs throughout Malamud's work: in *A New Life*, Levin thinks he has chosen Pauline, only to find out that, working in the college administration, she had picked out his job application and brought him to Cascadia in the first place. The choice he thought he thought he had freely made was actually pre-determined, made by someone else.

The choice that is chosen for you—by a human being, fate, or God. How to reconcile this with freedom is indeed one of the central existential questions of what in the end it means to be a Jew, to be part of a chosen people. As Malamud recognized, this gift, too, comes with a "demand of utter obligation." This is how he formulated the point in a 1965 essay entitled "Imaginative Writing and the Jewish Experience":

> The highest gift is given, and to affirm its endless value, it is taken. Or to put it another way, because the gift is pure and man is not, the gift, paradoxically is a punishment; yet the punishment renews the extraordinary value of the gift.

MALAMUD PRETENDED not to care about Philip Roth's "foolish egoistic essay." In a letter to the younger writer, he called it "your problem, not mine." To his students at Bennington, he laughed at "the whole notion that to be a Jewish writer was to be somehow exploitative of your neuroses and your passions." But the self-effacing Malamud was outmatched, and he knew it. It was not simply a matter of Roth's writerly pizzazz, or a matter of Roth alone. Rather, the themes and ideas with which his writing was centrally concerned were being rejected wholesale by the culture around him.

Roth's success was the prime instance of this truth. *Portnoy's Complaint*, with its boldly confessional tone, its attack on "hang-ups" and its celebration of sexual liberation, its up-ending of bourgeois mores and niceties, was a book of and for the late 1960's. Nothing was more at odds with Malamud than the spirit of the age that made the taboo-breaking Roth into a celebrity. How could a writer whose work was dedicated, in Roth's words, to "the relentless winnowing-out of the babyish, preening, insatiable self," and to themes which could only be described as "adult"—self-sacrifice, obligation, moral decency—have remained a vital figure?

And here is the clue to the cause of Malamud's eclipse. He fell from literary grace because his entire sense of the world was powerfully antithetical to the cultural ethos of the times. What could have been more out of step with a belief in liberating the demands of appetite and desire than Malamud's embrace of the need for renunciation, of forgoing the demands of appetite and liberating the demands of conscience?

What could be more unfashionable now?

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MUSIC

Mahler in Manhattan

Terry Teachout

ONE OF the most beautiful pieces of art on display at New York's Lincoln Center—it can be seen in Avery Fisher Hall, the home of the New York Philharmonic—is the cast of Auguste Rodin's bust of Gustav Mahler (1860-1911). Those who know little of the composer's life could be forgiven for supposing that it was placed there to commemorate Leonard Bernstein's advocacy of his music. In truth, it honors Mahler himself: the first person to serve as the Philharmonic's music director once the orchestra was reorganized as a full-time professional ensemble in 1909.

After Dvořák, Mahler was also the first great European classical musician to come to America not as a tourist but as a resident. In 1908 he made his Metropolitan Opera debut with *Tristan und Isolde*, conducting five more operas there over the next eighteen months before moving on to the Philharmonic, which he led until just before his death in 1911. Yet Mahler's American years are widely viewed as a mere footnote to his European career, and the role he played in the early history of the Philharmonic is little known save to scholars.

The reason for this is that Mahler is now chiefly remembered not as a conductor or performer but as a composer. In his own lifetime, though, the reverse was true. His symphonies, though performed with some frequency in Europe and taken seriously (if not always judged favorably) by critics, received far less attention than his work as a conductor. In that capacity he was thought to be without peer. On hearing him for the first time, Otto Klemperer "had but one conviction: to give up the profession if I couldn't conduct like that." But Mahler died at the age of fifty, when recording technology was barely out of its infancy, and all he left behind was four piano rolls, cut in 1905, in which he can be heard playing the piano parts to two of his songs and excerpts from his Fourth and Fifth Symphonies.[1]

IS IT possible for 21st-century music lovers to know what it was about Mahler's conducting that left his audiences spellbound? Henry-Louis de La Grange has devotedly tried to answer that question in *Gustav Mahler: A New Life Cut Short (1907-1911)*,[2] the fourth and final installment of his monstrously long, endlessly fascinating Mahler biography.

For decades, de La Grange has been collecting facts about Mahler with the ultimate intention of publishing everything that can be definitively known about his life and work. To this end, he has included in *A New Life Cut Short* lengthy excerpts from the composer's correspondence, the many memoirs written by his friends and acquaintances, and hundreds of contemporary press accounts of his performances. The result is a book that swerves uncertainly between biography and documentary, often tipping into a kind of tell-all excess that suggests obsessiveness. Perhaps the most comical example of this is Appendix 3-I of the present volume, soberly titled "Recipe for Mahler's Favorite

TERRY TEACHOUT, COMMENTARY's *regular music critic and the drama critic of the* Wall Street Journal, *recently finished writing* Rhythm Man: A Biography of Louis Armstrong, *forthcoming next year from Harcourt. He blogs about the arts at www.terryteachout.com.*

[1] Modern transfers of these rolls can be heard on *Mahler Plays Mahler: The Welte-Mignon Piano Rolls* (Golden Legacy 790202).

[2] Oxford, 1,759 pp., $140.

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Dessert: Marillenknödel (Apricot Dumplings)."

Yet, for all its excesses, *A New Life Cut Short* is quite readable. Not only is de La Grange an attractively straightforward stylist, but he is telling the story of a composer whose personality was unusually complex and contradictory, and who deliberately set out to embody it in his music. Because Mahler saw composing as a way of dramatizing interior conflicts that he took to be of universal interest and significance, anyone who finds his music compelling will likely want to know a great deal about him (if not necessarily his favorite dessert).

Not surprisingly, de La Grange has many axes to grind or, to put it more politely, points to prove. He believes that much of what is "known" about Mahler is untrue, and sets out to disprove it by submitting vast quantities of evidence. Much of this evidence, it turns out, bears on his American career. Did the New York critics dislike Mahler's interpretations of the classics? On the contrary: most of them (with a few prominent exceptions) were impressed by them. Was the management of the Philharmonic planning to fire him before the collapse of his health rendered the point moot? Apparently not.

Most interesting of all, it turns out that Mahler liked America, whose raw energy and democratic atmosphere he found exciting: "America is really different from Europe. Only there do you feel like a human being, with no master above you." And like so many later European émigrés, he appears to have grown disillusioned with the continent from which he came. In *A New Life Cut Short*, de La Grange cites the satirist Karl Kraus's description of *fin-de-siècle* Vienna, where Mahler had spent the preceding decade, as an "experimental station for the collapse of mankind." Had he lived longer, might he have found America a more congenial place in which to engage in his musical conversations with himself? It seems possible.

Yet Mahler was also well aware of the narrowness of America's classical-music culture at the turn of the 20th century. He understood, for instance, that his fanatical perfectionism was alien to the Metropolitan Opera's institutional mission, which was to provide expensive entertainment for wealthy Manhattanites. *A New Life Cut Short* opens with Edith Wharton's sardonic portrayal in *The Age of Innocence* (1920) of the fashionable New Yorkers who knew that "it was 'not the thing' to arrive early at the opera," and who were far more interested in examining one another's jewels than in attending to what was taking place on stage.

It was for this reason that Mahler did his best to keep the management of the Metropolitan at arm's length throughout his brief tenure there. By that point, though, he was also disgusted with the Vienna Court Opera, which he had directed from 1897 to 1907. Indeed, he had arrived at the pessimistic conclusion that "the idea of a permanent opera company directly contradicts modern principles of art," and that it was only possible to create artistically serious productions in a festival-like setting. Knowing this, he had taken the job at the Met purely for the money, aware that, even as he gave of his best, it would never be good enough.

The Philharmonic was a different matter. There Mahler was engaged specifically to professionalize the orchestra, and he had every intention of bending its recalcitrant members to his iron will. Furthermore, he believed that audiences could listen to music more thoughtfully in the concert hall than in even the best-run of opera houses. "The public, when it goes to the opera, cannot hear and see and think all at once to its best musical advantage," he told an interviewer. "At the symphony concert it is different; the people only have to listen."

From the outset, local critics and musicians were struck by three aspects of Mahler's conducting style. The first was his flexibility of tempo. As Richard Aldrich wrote in his *New York Times* review of a Mahler performance of Beethoven's Seventh Symphony:

> He made abundant [tempo] modifications, but they were so subtly managed as to be insensible as modifications, and seemed as the inevitable outcome of the musical development. Thus the symmetry and larger proportions of the work were preserved, with the richness and variety of detail that were brought out.

Second was the sheer intensity of Mahler's conducting. The pianist and critic Samuel Chotzinoff spoke of his "harsh but wildly dramatic interpretation" of Beethoven's Fifth Symphony, adding that "its tragic power more than compensated for its want of refinement." But not everyone agreed with Chotzinoff, and critics were further irked by Mahler's habit of retouching the orchestrations of certain of the classic works he performed.

At that time, self-consciously insecure about the status of American musical culture, many native critics went out of their way to make it clear to visiting European artists that they knew just as much about classical music as any German conductor. A great deal of the opposition to Mahler during his years in New York was motivated by just this sort of self-consciousness. It reached its nadir with the censorious obituary published in the *New York Tribune* by Henry Krebhiel, Mahler's most stalwart opponent:

> He was looked upon as a great artist, and possibly he was one, but he failed to convince the people of New York of that fact, and therefore his American career was not a success. His influence was not helpful but prejudicial to good taste.

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IN FACT, Mahler was the best thing to have happened to the Philharmonic since its founding in 1842, and after his death it entered a lengthy eclipse from which it did not emerge until the 20's, when Willem Mengelberg and Arturo Toscanini restored the orchestra to its former glory. As for the Metropolitan Opera, it remained a "singers' house" well into the last part of the 20th century. Even now, its productions vary widely and erratically in theatrical seriousness (though James Levine, the company's music director since 1976, has made its pit orchestra one of the best in the world).

Thus, neither ensemble can claim today to be the repository of anything remotely approaching a "Mahler tradition" in performance. This is true of his own work as well, since Mahler rarely played any of it in New York. To the extent that the Philharmonic now has a "traditional" way of playing Mahler's music, it derives from the performances of Leonard Bernstein, who programmed it from the 50's on.

Is it possible, then, to know anything about Mahler's conducting beyond hearsay? Not really. But the hearsay is often highly specific, and in addition there are a few recordings that may do more than merely suggest what his performances sounded like. In 1939, for instance, Mengelberg and the Amsterdam Concertgebouw broadcast a performance of Mahler's Fourth Symphony that was recorded and later released commercially. In preparing his performances, Mengelberg used detailed notes he had made on Mahler's own interpretation of the piece, as heard by him 35 years earlier. The tempi in Mengelberg's 1939 recording are often startlingly flexible—more so than in any postwar performance I have heard. This, to judge by accounts of Mahler's conducting, as well as by his 1905 piano roll of the finale of the Fourth, may indeed bear approximation to the way Mahler played the same work.[3]

But there is another recording of the Fourth done by Bruno Walter, Mahler's devoted protégé, with the New York Philharmonic in 1946. This latter version is both sweeter in overall tone and considerably less arbitrary in its use of rubato than Mengelberg's. It also varies greatly in timing: Walter's third movement is fully four minutes shorter than Mengelberg's. When it comes to the finale, the discrepancies are even greater: Mahler's own timing, on the 1905 piano roll, is 7:19 minutes; Walter is close at 7:24, but Mengelberg clocks in at 9:53.[4]

ALL OF which tells us . . . what? Next to nothing—and everything that matters.

No one, not even Henry-Louis de La Grange, can turn back the clock to allow us to hear how Mahler conducted. This is a great pity, since Mahler considered his work as a performer to be complementary to his work as a composer: "I need a practical activity for my musical capabilities as a counterweight to the tremendous things which go on inside me when I am composing." To hear the way such noted composer-performers as Benjamin Britten or Sergei Rachmaninoff performed the music of others is to suspect how similarly illuminating a recording of Mahler conducting Beethoven would have been.

Yet Mahler's own music has survived, and who can doubt that we are far more fortunate to have the scores of his ten symphonies than the records he did not live to make? "My time will come," he assured his wife Alma, and time proved him right: today he is one of us, a modernist *avant la lettre* whose music, as Leonard Bernstein put it, is "almost cruel in its revelations: it is like a camera that has caught Western society in the moment of its incipient decay." Next to the anguish of the Ninth Symphony or the transcendence of the last bars of *Das Lied von der Erde*, what does it matter that we cannot know how Mahler interpreted Elgar's *Enigma Variations* or Tchaikovsky's Sixth Symphony?

While de La Grange is more interested in setting the historical record straight than in telling us of Mahler's greatness as a composer, there is no doubting how he feels about it. In his words:

> Like [Goethe's] *Faust* Part II, Mahler's monumental, all-inclusive [musical] novel in ten chapters reaches far beyond the *comédie humaine* to deeper and loftier truths which stage works can never touch. His symphonies reflect his vast and complex inner world, both his visions of humanity and his awareness of the fragility of human nature, in music that can veer in a few bars from the sublime to the commonplace.

Only music as great as this could possibly justify a book as long as *A New Life Cut Short*. Even if de La Grange has inevitably failed at telling us what kind of conductor Gustav Mahler really was, it is a tribute to both the composer and his biographer that one puts down this volume feeling both exhausted and sated, and eager to listen for oneself.

[3] Mengelberg's Fourth is out of print but can be downloaded at www.pristineaudiodirect.com.

[4] Walter's Fourth is out of print in the U.S. but is available in England on Naxos 8.110876, which can be ordered from www.amazon.co.uk.

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The monograph deals with the history of eyeglasses from their invention in Italy ca. 1286 to the appearance of the telescope three centuries later. Eyeglasses served an important technological function at both the intellectual and practical level. A subthesis of the book is that Florence, rather than Venice, seems to have dominated the commercial market for eyeglasses during the fifteenth century, when the ability to grind convex lenses for various levels of presbyopia and the ability to grind concave lenses for the correction of myopia occurred.

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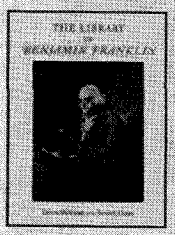

The Library of Ben Franklin

Edwin Wolf 2nd and Kevin J. Hayes

(Joint publication with the American Philosophical Society and The Library Company of Philadelphia)

Benjamin Franklin's library, the largest and best private library at the time of his death in 1790, was sold by his grandson and subsequently sold again. None of the catalogues of the collection survive. In 1956, Edwin Wolf discovered the unique shelfmarks Franklin used to identify his books. His work to reconstruct a catalogue of the library was unfinished at the time of his death. Kevin J. Hayes took up the work as the tercentenary of Franklin's birth approached. Everything found to date, close to 4,000 entries, is compiled here.

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The Making of a Romantic Icon: The Religious Context of Friedrich Overbeck's Italia und Germania

Lionel Gossman

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Friedrich Overbeck's "Italia and Germania" (1811-1828) is a well-known image in its native Germany, where it is seen as an allegory of the perennial longing of German artists and poets for the beauty and harmony of the land "where the lemon tree blooms." The contextualization of "Italia and Germania" in this essay reveals a painting that is an emblem not only of the sisterhood of North and South, the early German and early Italian traditions in art, but of the general Romantic longing for reconciliation, reunion, and the overcoming of historical alienation.

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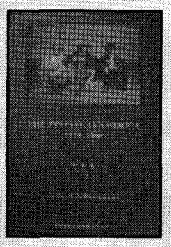

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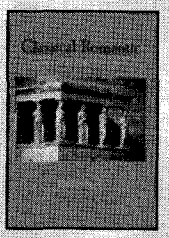

Classical Romantic: Identity in the Latin Poetry of Vincent Bourne

Estelle Haan

Vincent Bourne (1694-1747) was one of the most popular Latin poets of his day. His Latin verse appealed to early eighteenth-century and Romantic sensibilities. The present study examines a broad range of that Latin verse in its classical, neo-Latin, and vernacular contexts with particular attention to the theme of identity (and differing forms of identity. Appended to the study are the texts (with Haan's translations) of the Latin poetry discussed.

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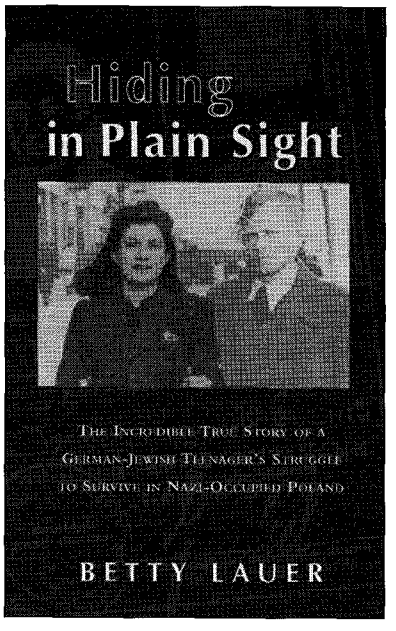
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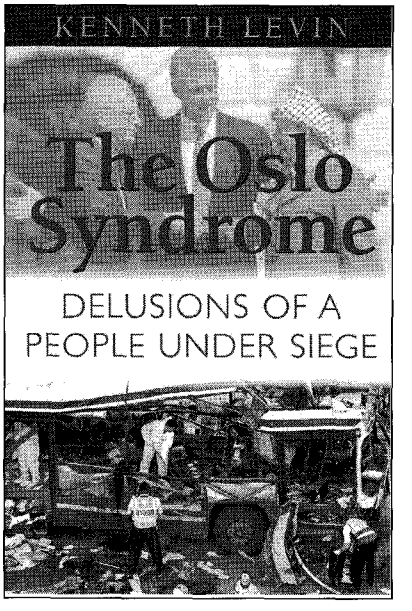

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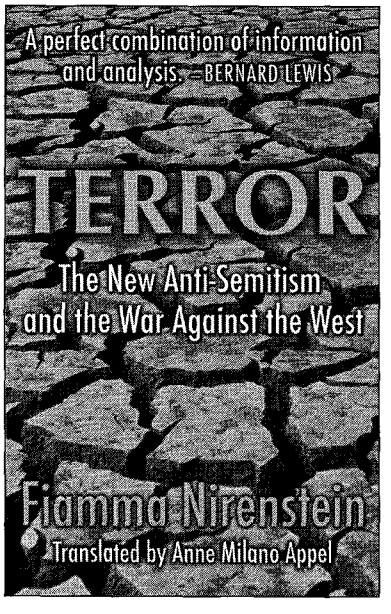
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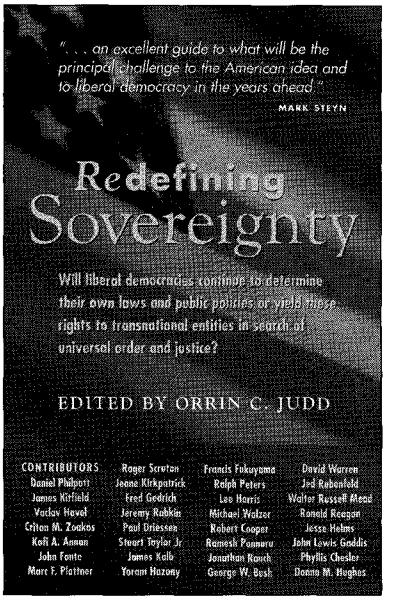

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Books in Review

Order of Battle

War and Decision:
Inside the Pentagon at the
Dawn of the War on Terrorism
by Douglas Feith
Harper. 688 pp. $27.95

Reviewed by
Victor Davis Hanson

"The stupidest f—ing guy on the planet" is how General Tommy Franks, the head of U.S. Central Command, summed up Douglas Feith, Under Secretary of Defense for Policy in the Pentagon from July 2001 until his resignation in August 2005. Franks was cruder than most, but Feith was under almost continuously hostile scrutiny and controversy throughout his tenure. As the third-highest ranking civilian official in Donald Rumsfeld's wartime Pentagon, he oversaw the Defense Department's relations with foreign governments at a time of unprecedented anti-Americanism abroad. More important, he headed both the Office of Special Plans, charged with analyzing prewar intelligence reports on the threat posed by Saddam Hussein, and, subsequently, the Pentagon groups that would eventually coalesce into the Office of Reconstruction and Humanitarian Assistance, which oversaw much of the early rebuilding of postwar Iraq.

Of course, many other policymakers in the Bush administration came in for their share of contumely after the lightning-fast victory of April 2003 turned into the long slog of the occupation and the rise of the Iraqi insurgency. But no one was quite so vilified as the Harvard- and Georgetown-educated Feith. He was variously charged with advocating torture, undermining the Geneva Convention, fronting for Israel's Likud party, and sexing up the intelligence to exaggerate Saddam Hussein's links with al Qaeda—not to mention sheer incompetence in failing to foresee the problems of the occupation.

Since 2005, journalists including Rajiv Chandrasekaran, Michael Gordon, George Packer, Thomas Ricks, Bernard Trainor, and Bob Woodward have published scathing accounts of administration policy. According to much of their common narrative, neoconservatives like Feith distorted prewar intelligence, brainwashing or tricking others into undertaking a unilateral, preemptive, and unnecessary war. They then subverted the postwar occupation by disbanding the Iraqi army, sending too few American troops, and ignoring the principled warnings of patriots like Secretary of State Colin Powell and Deputy Secretary Richard Armitage, Generals Eric Shinseki and Anthony Zinni, and a host of former advisers to George Bush, Sr. The result was the loss of thousands of lives and a trillion dollars in a struggle that has left us less safe and the Iraqis worse off, and whose only solution is summary withdrawal.

Agreeing with a great deal of this critique, army officers like Franks, and civilian officials such as FBI director George Tenet and Paul Bremer, the head of the Coalition Provisional Authority, have claimed that others, not they, were the real culprits for the botched operations and occupation. And once again at the

VICTOR DAVIS HANSON *is a senior fellow at the Hoover Institution. His "Rethinking Iraq: Nothing Succeeds Like Success" appeared in the April* COMMENTARY.

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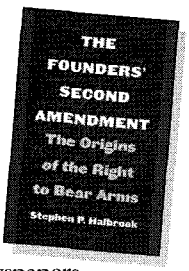

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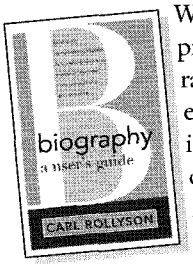

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center of the indictments has been Feith, the bespectacled neocon who is said to have imperiously nitpicked, second-guessed, and hobbled the more experienced men of action.

IN *War and Decision*, Feith offers a dispassionate counterresponse—the first, one can only hope, of others to follow from Donald Rumsfeld, Paul Wolfowitz, and George W. Bush. Feith is not interested in getting even, but rather in systematically exploring the accuracy of the entire pessimistic narrative that has grown up about Iraq. Although he does not question every detail, he subjects enough of the narrative to cross-examination to show that it is largely a myth. His tools are understated irony and extensive documentation—some 600 footnotes and dozens of reprinted documents. These bring forcefully to view what the Bush administration was actually thinking in the days, weeks, and months after 9/11.

As the record adduced by Feith clearly demonstrates, neither he nor Rumsfeld advocated a preemptive war for democracy. Feith was more interested in simply removing dictators like the Taliban and Saddam Hussein from power before they or their surrogates could trump the horrors of 9/11, while Rumsfeld was almost obsessive in his anxiety over mounting costs, unforeseen battlefield complications, and occupations with no predetermined end. Far from wanting an imperial American presence in Iraq, Pentagon officials wished to transfer sovereignty to the Iraqis as quickly as possible—unlike their counterparts in the State Department, and unlike Paul Bremer, whose quest for the perfect constitutional government got in the way of implementing an interim governing body that would have been good enough.

Powell and Armitage—as the record also demonstrates—were neither critics nor supporters of the war, but had carefully situated themselves to be for it if it worked, and against it if it did not. Their studied triangulation meant that when things went well they were never enthusiastic advocates of the policies they were charged with overseeing, while when things turned bad they were ready to provide off-the-record quotes and background information to the growing chorus of antiwar critics.

As for the intelligence about Saddam's possession of weapons of mass destruction, that came from the CIA, and it happened to coincide with the assessment of every pertinent foreign intelligence agency as well, including that of France. (This, quite apart from the fact that the CIA was a hotbed of political and ideological partisans with little sympathy for the Bush administration and less for its decision to go to war.) Arguments over proper troop levels were left largely to top generals. Franks adjudicated the size of the invading forces. He never requested additional troops, and summarily quit his command six weeks after the victory, just as the insurgency began.

WHAT THEN were the administration's mistakes? Feith lists several. In his view, it was wrong to make Saddam's arsenals into the main *casus belli*, especially since Congress had listed several other justifications for war that could have easily been given pride of place. Although there was prewar planning aplenty, in the euphoria that followed the three-week walkover of Saddam it was either poorly implemented—too many diverse agencies—or hijacked by the State Department and the often maverick Bremer. Among particular lapses, Feith lists Bremer's failure to turn control over to Iraqi officials early enough and waiting too long to create an Iraqi security force.

It was Defense Department personnel who, Feith writes, had been largely responsible for the inspired American efforts against the Taliban and Saddam Hussein. Had they

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been listened to, they might have mitigated at least some of the unfolding difficulties in Iraq. Richard Meyers, chairman of the Joint Chiefs of Staff, was hardly the weak facilitator he was sometimes portrayed as being. Donald Rumsfeld pressed his underlings too hard, but not as hard as he worked himself. His tragedy lay not in any failure to anticipate the mess of 2004-06—in fact, he uncannily forecast almost every mishap of the "long hard slog"—but his inability to convince the President or the State Department of the mounting dangers and his crippling worry that committing more troops would stretch U.S. forces too thinly elsewhere.

There is much to be said about each of these points, and others one might name (like the debate over incorporating anti-Baathist "externals"—i.e., Iraqis who had fled Saddam's regime—into the postwar government). Perhaps the first thing to be noted in assessing Feith's version, however, is that even today we still do not have the final verdict on Iraq. The costly occupation/reconstruction seems one endless and bitter disappointment when set against the brilliant three-week removal of Saddam; but, on a longer-term view, if we defeat and humiliate al Qaeda in Iraq and ensure the stability of a constitutional government, even this will appear in retrospect to have been not so disastrous after all.

Similarly, it is worth bearing in mind that the choices facing Feith and others were usually of the bad-vs.-worse variety; there were no good ones. Should we cleanse the Iraqi government of Baathists who had blood on their hands, or retain valuable civil servants no matter their previous record or potential security risk? Such choices were predicated ultimately on the military situation: had we crushed the insurgency in its first few weeks, going with the worse of two bad alternatives would probably not have proved so catastrophic.

In any case, what is refreshingly and almost startlingly different about Feith's account, in contrast to others, is that it provides a basis for disagreement. Feith does not rely on quotations from anonymous sources. Instead of the usual ploy of advancing pseudo-citations from "a senior Pentagon official" or "a high-ranking officer," his footnotes refer to what actual people have said and have put their names to. Critics can fault his interpretation of the evidence, but at least they have a body of evidence over which to argue. In addition, Feith has provided a website (www.waranddecision.com) where readers can check his sources and ascertain for themselves the degree to which he has quoted fairly and argued honestly. All this is a huge vote in his favor.

In light of this book's virtues, it is somewhat regrettable that Feith does not address in detail the failure of the administration to apprise the American people adequately as to the difficulty of the task ahead or to counter the often untrue but sensational accusations of critics. That multi-agency failure constantly to set the record straight did terrible damage to the once-strong public support for the war. Administration officials might have explained over and over again what exactly were our choices after 9/11, what our aims were in Iraq, how the unexpected dilemmas of this war were materially no different from those of past wars, and how, even so, our blunders in Iraq nowhere approximated the scale of earlier disasters in Korea, in World War II, in World War I, or in the Civil War.

Early on, as Feith points out, administration officials stopped emphasizing the benefits—to the Iraqis, to us, to the world—of having Saddam gone from the scene, concentrating instead on the future advantages that would accrue from Iraqi democracy. This mixed message came at precisely the moment when the insurgency was growing,

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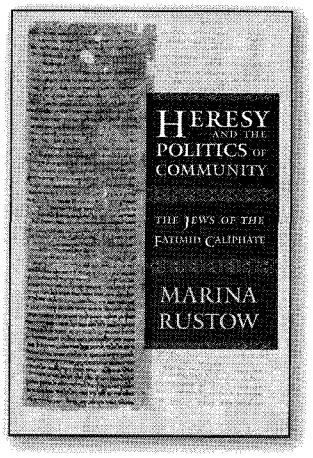

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and when security, not idealism, was the chief concern of the American people. The result was that our successful effort to remove a genocidal dictator in the heart of the ancient caliphate—followed by the establishment of a constitutional government where none had previously existed in the Arab world, by the routing of al Qaeda, and by the recruiting and training of thousands of Iraqi fighters, all at the cost of fewer lives than most single battles of World War II—could be written off as the worst blunder in our nation's history. It would be useful to have had not just Feith's general views of this matter but an anatomy of who in the administration was responsible for the lapse and why and how it was never rectified.

I HAVE mentioned the campaign of near-character assassination waged against Douglas Feith. The supposedly unpardonable sins of which he has been accused—they amount to his being an unapologetic policy intellectual who could be haughty to his subordinates and colleagues and obsequious to his superiors—do nothing to obscure the fact that he served his country honorably in wartime and has written a candid and invaluable account of that service.

To no avail, it would seem. Recently, Georgetown University released Feith from teaching a class at its school of foreign service. A student paper at the university ran an editorial about his impending departure: "Feith can take his salary," it thundered, "and the further thousands he will no doubt earn from his memoir, and try to justify his failures somewhere else."

Here, however, is the final paragraph of the appendix to *War and Decision*:

> With appreciation of the valor and sacrifice of the men and women of the U.S. armed forces, I have donated all of my revenues from this book to a charitable foundation that will use the funds exclusively for the benefit of veterans and their families.

This, too, needs to be entered into the record, and gratefully acknowledged.

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Islamophilia

The Fall and Rise of the Islamic State

by Noah Feldman

Princeton. 200 pp. $22.95.

Reviewed by
Paul Marshall

NOAH FELDMAN is an interesting case. A professor of law at Harvard, he was raised as an Orthodox Jew and chose to become a scholar of Arabic and a student of Islam; in 2003, he served very briefly as a legal adviser to the American occupation force in Iraq. He also cuts a glamorous figure, having been the subject of a photo spread in *Men's Vogue* and declared America's "Most Beautiful Brainiac" by *New York* magazine.

With all the hoopla surrounding him, one might forget that Feldman wishes to be taken seriously as an interpreter both of legal theory and of Islamic thought. He brings the two together in *The Fall and Rise of the Islamic State*. This book makes the provocative and counterintuitive

PAUL MARSHALL *is senior fellow at the Hudson Institute's Center for Religious Freedom and the editor of its newly released survey,* Religious Freedom in the World. *In 2005, he edited* Radical Islam's Rules, *a collection examining the implementation of radical* shari'a *in eight current situations.*

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argument that the West and the world may have nothing to fear, and even something to gain, if Muslim nations were to become "Islamic states"—by which Feldman means states governed not by Islamist dictators but by Islamic law, or *shari'a*.

The key, according to Feldman, is Islam's traditional version of the separation of powers. In the centuries following the religion's inception in the 7th century, and despite a record of uncertain political successions and changing regimes, the Islamic state was governed, he writes, by "the most liberal and humane legal principles available anywhere in the world." This was possible because the Islamic state had an "unwritten constitution": a body of law that existed separate and apart from the power wielded by the ruler. Moreover, this law was administered and interpreted by independent scholars, thus creating a restraint on the executive in the person of the sultan or caliph.

The rule of *shari'a*, in Feldman's account, provided legal stability and predictability. Property was protected, wealth was secured, trade was extended. And this, in turn, supplied a stable foundation for political strength and military success.

As Feldman tells it, the balance between the executive and the scholars lasted until the 19th century, when it ultimately collapsed as the crumbling Ottoman Empire undertook to modernize itself in order to combat growing Western power. In the process, Ottoman rulers codified *shari'a* so that it could be implemented by state judges and bureaucrats, and established a legislature to pass laws embodying Islamic principles.

Although this development might appear to have marked an advance in the rule of law, in Feldman's reckoning it had the unfortunate effect of sidelining the scholars who for over a millennium had been the law's chief protectors and defenders. And when the Ottoman legislature was abolished, custodianship of the

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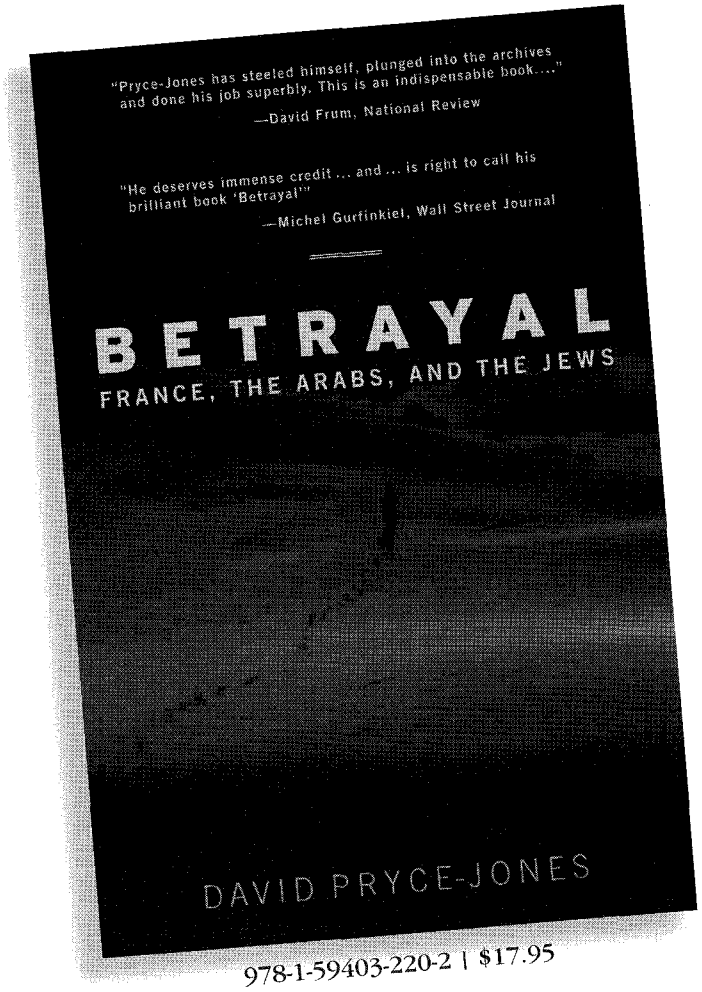
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law passed into the almost exclusive prerogative of the sultan and his functionaries. With the dislocation of the scholars, executive power now ran unchecked, a development that would lead to the centralized, executive-led regimes dominating the Muslim world and especially its Arab heartland today.

Seen in this light, Feldman explains, the 1979 Iranian revolution led by the Ayatollah Khomeini was actually an attempt to restore the rule of law as it had once been understood in the Islamic world. But Khomeini took things a step too far. His regime established a radically new system, the *velayat-e faqih*, in which scholars not only reclaimed their old status but seized executive power as well.

Elsewhere in today's Muslim world, secular tyranny faces major opposition from Islamist movements, notably the Muslim Brotherhood and its offshoots. For these movements, too, the restoration of *shari'a* is a central tenet, though with a modern twist. Usually they profess a desire for an "Islamic democracy," by which they mean a system where voters and legislatures will shape the Islamic state and courts will practice "Islamic judicial review" to ensure conformity with *shari'a*.

In essence, then, Feldman is suggesting that the same Islamist forces usually regarded by the West as wellsprings of extremism can actually prove to be a bulwark against autocracy, creating institutions that will impose checks and balances on the monopoly of the executive. Indeed, they might constitute the best hope for the rule of law in Muslim lands, with happy portents for an accommodation with the rest of the world.

IT IS refreshing to read an analysis of the Middle East that focuses on the inner workings of peoples, nations, and faith traditions and does not attribute all of the region's ills to imperialism or other forms of Western influence. Feldman can also be an illuminating analyst, as on the subject of the marginalization of legal scholars and its consequences for the development of despotisms with an Islamic face.

But the failings of this book are so perverse that they vastly outweigh its virtues.

Feldman's thesis depends on a heavily scrubbed and buffed depiction of *shari'a*. He conspicuously does not address its dual hierarchical structure, specifying separate and highly unequal rights for men and women, Muslims and non-Muslims, the Islamic realm and the rest of the world. It is true that such distinctions were characteristic of many older legal codes, including some Western ones; but that is no

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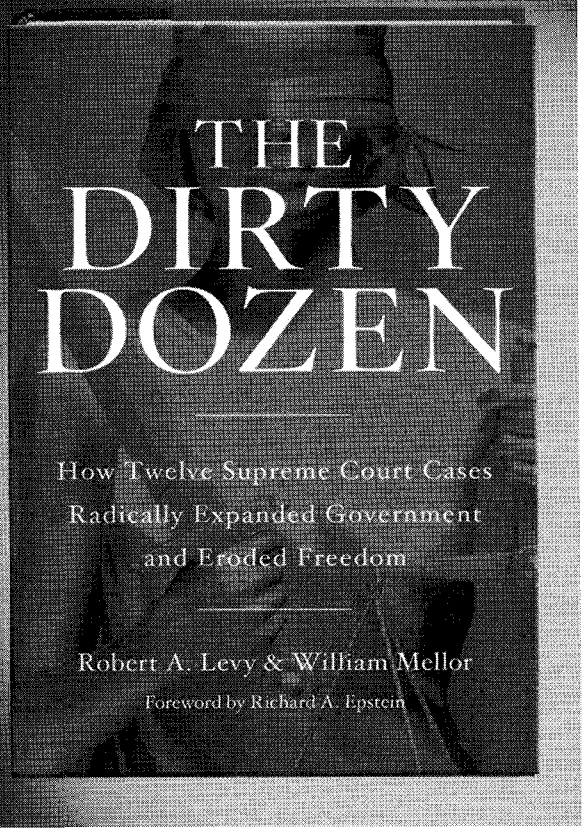

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argument for re-establishing them in the 21st century. Nor does Feldman mention the *shari'a*-based demand that critics of Islam, either within or without, be killed as blasphemers or apostates, a demand now reappearing in the form of "blasphemy laws" aimed directly at present-day Muslims who are attempting the intellectually difficult and rigorous exercise of reconciling Islam with modernity.

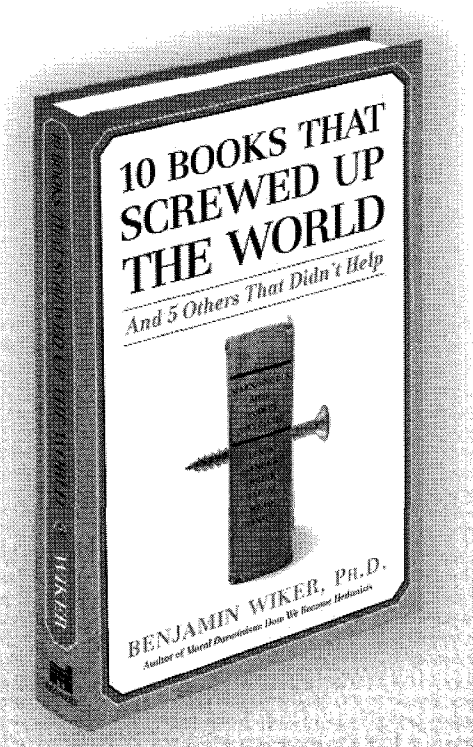
Even worse, and no less conspicuously, *The Fall and Rise of the Islamic State* omits any proper accounting of the self-described Islamic states that do actually exist in the world today. The most galling case is no doubt that of Saudi Arabia, a country that in fact features a counterbalance of scholars and rulers, and therefore, one imagines, could be regarded both as an incarnation of the older arrangements that Feldman values and as a model of what he looks forward to.

But Saudi Arabia is also, of course, one of the most repressive regimes the world has ever seen. And so, in his role as the defender of the ideal Islamic state, Feldman simply gives it the back of his hand. It is, he says, merely a "fascinating anomaly."

And what of the Islamic Republic of Iran, the subject of Feldman's earlier book, *After Jihad*? Despite Islam's alleged respect for religious minorities, Iran is now considering legislation that would make the profession of the Baha'i faith—the largest minority religion in Iran—punishable by death. Perhaps not surprisingly, Feldman declares Iran, too, an improper and unrepresentative example of an Islamic state, in this case for the professed reason that its rule-by-scholars regime is a radical departure from his preferred criterion.

And so it goes. Whatever does not conform to Feldman's view of a genuine "Islamic state" is simply dismissed. Perhaps, he ruminates wistfully, had America not encouraged Ethiopia to invade Somalia, the lat-

Ideas Have Consequences—Some Worse Than Others



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ter's Islamic Courts Union might have evolved into what he envisions. But no such luck. In Afghanistan, the Taliban took a serious stab at imposing *shari'a*, but their tenure can be discounted because it lacked a balancing cadre of scholars.

And then there is Sudan, which declared itself under *shari'a* rule in 1983. Within a year, in Khartoum province alone, the regime had carried out 58 public amputations, twelve of them "cross limb" (taking a hand and a foot from opposite sides of the body). Most of the victims were poor Christians. Public floggings were broadcast daily on national television, and public hangings, followed by crucifixion, were held at sites especially constructed for the purpose. In subsequent years, as all the world knows, the Khartoum government has made a specialty of genocide.

How, then, does this nightmarish nation fit into the Feldman thesis? The word "Sudan" appears nowhere at all in *The Fall and Rise of the Islamic State*.

A SIMILARLY deceptive pattern characterizes Feldman's attempt to gauge future Islamist intentions. Declaring Islamism to be "fiercely egalitarian," he cites a draft platform of the Egyptian Muslim Brotherhood party that affirms the equality of all citizens before the law and rejects discrimination based on religion, race, or ethnic origin. Inconveniently, however, a footnote elsewhere in the book cites another Brotherhood document stating the organization's commitment to achieving its goals

> through building the Muslim individual, Muslim family, Muslim government, and the Muslim state that leads Islamic countries, gathers all Muslims, regains Islamic glory, gives lost Muslim land back to its owners, and carries the flag of the call to Allah, thus making the world happy via the teachings and right of Islam.

Even apart from the "call" for a universal Muslim state—which would not only require the conversion of the entire world but result in the annexation of Israel, Spain, southern Italy, the Balkans, southern Russia, and other large chunks of Europe—such sentiments are difficult to reconcile with Feldman's confident belief that the Muslim Brotherhood, once in power, would not discriminate on the basis of religion. Here as elsewhere, though, he never allows actual Islamist behavior to obscure his vision of the true "Islamic state," an alluring construct permanently beckoning in the misty past and the mistier future.

Noah Feldman is an undeniably able writer, and skilled at analyzing texts. Conceivably he could play a useful role in our understanding of contemporary Islam. In order to

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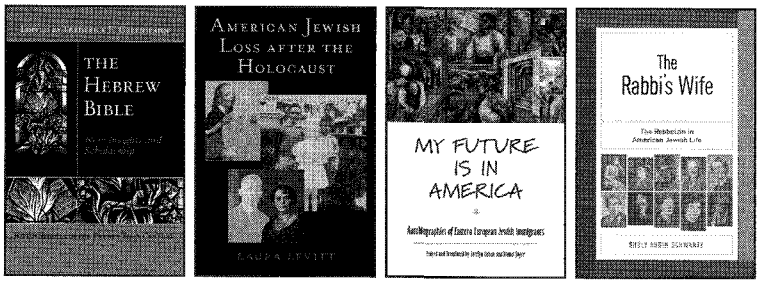

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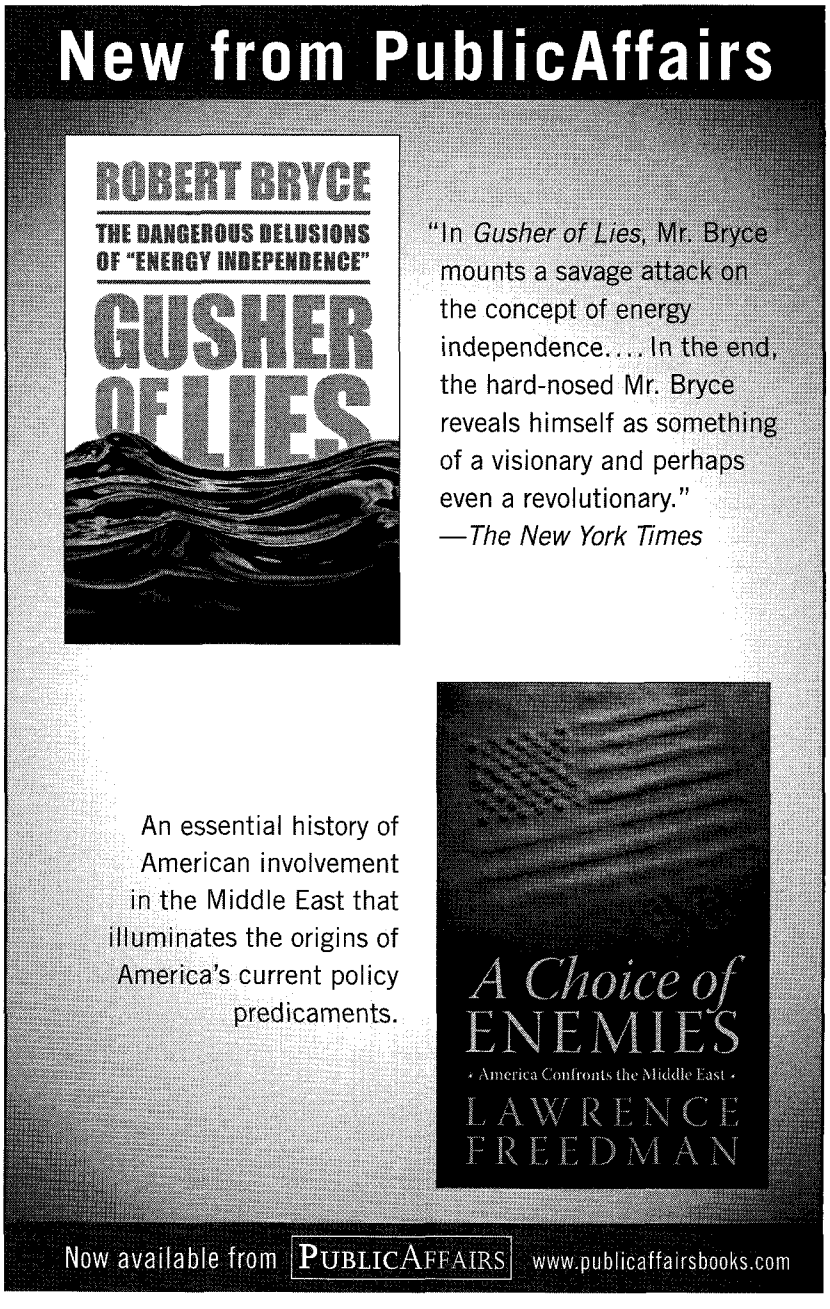
Mark Falcoff

Arthur Herman is a prolific historian known principally for works on British history, most notably his remarkable *How the Scots Invented the Modern World*. In this new, massive tome he undertakes a dual biography of two of the most important figures of the 20th century, each of whom was a key personality in the struggle to preserve (or dismantle) the British empire.

There are many books on Gandhi and Churchill. But as far as I am aware, until now there has been no attempt to integrate the two men's histories. This is understandable. People who want books on Gandhi do not usually have a high opinion of Churchill, and vice-versa. Yet, as Herman shows, their lives were in many ways part of a larger fabric, an entire world that in terms of historical epochs has disappeared but recently. In order to tell his story, Herman stretches out a huge canvas on which he locates such disparate events as the 1857 mutiny in Cawnpore, the birth of Churchill at Blenheim palace, the suppression of the Mahdist revolt in the Sudan, the Boer war, Gallipoli, the complicated negotiations among various Indian nationalist movements and the British Raj, the Japanese capture of Britain's East Asian empire, and, finally, the run-up to Indian independence. This is, in short, a detailed and richly filigreed account that introduces the Anglo-American reader to many facts and vivid if little-known personalities, both English and Indian.

It is now some 60 years since the Afro-Asian peoples acquired their independence from their European colonial masters. During the first decades of the process, the literature about it, often written by citizens of the metropolitan powers, was overwhelmingly anti-imperialist. But the

Mark Falcoff *is resident scholar emeritus at the American Enterprise Institute in Washington.*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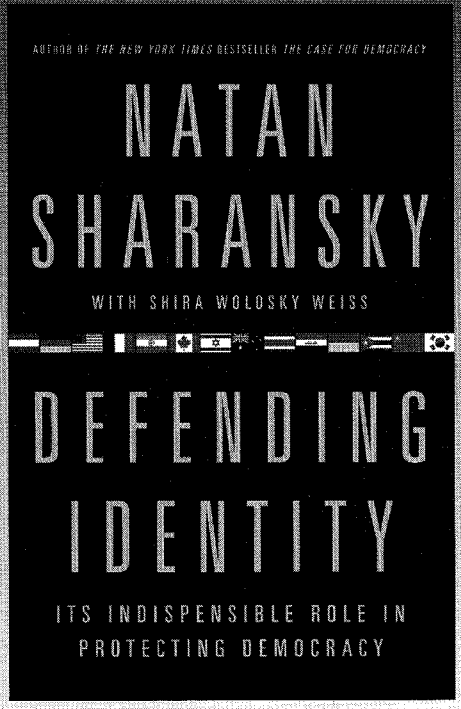
emergence of so many failed states in Africa and South Asia could be ignored for only so long. The late historian Elie Kedourie, and the writers V.S. Naipaul and his late brother Shiva, all three of them ex-colonial subjects, were among the first to say out loud what many knowledgeable people had been privately thinking: namely, that the departure of European rule from the former colonial world had been a disaster, and principally for the formerly colonized peoples.

One could argue that India today forms a signal exception, especially given its recent economic indicators and its high-tech revolution. But the same is assuredly not true of the former Muslim areas of the Raj now known as Pakistan and Bangladesh. Moreover, as Herman's book shows, the India that today is emerging as a dynamic society and a positive factor in international relations bears no resemblance whatsoever to Gandhi's own vision of a nation of primitive, self-sufficient villages. Conversely, all the horrors that attend the former Muslim areas confirm the rightness of Churchill's imperial warnings.

Paradoxically, both men began from much the same ideological locus—as loyalists of empire. The son of a wealthy Indian merchant, Gandhi arrived in London to study law, eventually becoming a barrister. Through an accident of family connections he started his professional practice in South Africa, where there was already a large and prosperous Indian community. Theoretically co-equal with other subjects of the empire, the Indians sided with the British in the Boer war. Gandhi even organized an ambulance corps of 1,100 volunteers, for which he and 37 others were awarded the War Medal. Apparently Gandhi was untroubled by racial distinctions as such; he merely believed that Indians were far superior to African blacks—or "Kaffirs" as they were then called—and deserved the franchise (which they were denied when, after the war, the British achieved reconciliation with their Boer adversaries at their expense).

The South African experience was one vector of Gandhi's intellectual development; the other was represented by his two periods of residence in London (1885-1888 and 1909-1910), during which he fell in with what George Orwell, a generation later, would characterize as "sandal-wearers and fruit-juice drinkers." As Herman writes, since aristocratic London was "resolutely cosmopolitan, materialistic, and self-consciously modern. . . .[its] opponents decided they would be esoteric, spiritual, and resolutely antimodern." Their countercultural gods were Edwin Arnold, John Ruskin, Tolstoy, and Edward Car-

"The enemy's will is strong because his identity is strong."


AUTHOR OF THE NEW YORK TIMES BESTSELLER THE CASE FOR DEMOCRACY
NATAN SHARANSKY
WITH SHIRA WOLOSKY WEISS
DEFENDING IDENTITY
ITS INDISPENSIBLE ROLE IN PROTECTING DEMOCRACY

Not all cultures are the same. Not all values are equivalent. Democracy is worth fighting for, and, if necessary, worth dying for. In this provocative new book, Natan Sharansky, author of *The Case for Democracy*, explains why those who value freedom must match our enemy's strength of purpose with strong identities of our own.

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penter: back-to-the-land primitivists and fantasists.

Gandhi's particular genius was to see how to weave together the two opposing strands in a manner that would appeal to Anglicized upper-class Indians and illiterate villagers alike. By 1927 he had managed to bring together in his Congress party Hindu nationalists, Bengali nationalists, Sikh separatists, old-line loyalists, and cutting-edge socialists. He also had the good fortune to launch his movement at a moment when, thanks to the devastation of World War I, Europeans were losing faith in their own civilization. The environment in London, Paris, and Berlin was ripe for new ideologies and styles of life, and was fascinated by non-Western cultures.

Gandhi was introduced to a wide reading public through the Nobel laureate Romain Rolland, who produced an adoring biography of him in 1924. Even more important, he was the first third-world politician to understand how to exploit and manipulate the credulity of Western media. As early as 1912, when he left South Africa for good, he ceased to wear British clothes, and was often photographed with his spinning wheel. For most of his life his diet consisted of fruits, nuts, and goat's milk, a token of the saintly image he sought to convey. His famous "march to the sea" to protest the Raj's salt tax was staged mainly for the benefit of newsreel cameras, which conveyed the images around the world.

To be sure, not everybody was impressed. Churchill, for one, regarded Gandhi as "a fanatic and an ascetic of the fakir type well known in the East"—a judgment not altogether true, but not altogether false, either.

Herman's portrait of Churchill will be far more familiar to most readers since the story has been told many times, most notably by Martin Gilbert in his monumental biography. The son of an aristocratic family connected with the dukes of Marlborough, Churchill had seen service in the British army in the Sudan and South Africa. His father, whom he idolized and who died prematurely of syphilis in 1895, had served as secretary of state for India, and had been the principal spokesman on Indian questions for the Conservative party in the House of Commons. After leaving the army and entering parliament on his own in 1900, Churchill took up his father's interests, eventually becoming undersecretary of state at the India office, in which capacity he met Gandhi for the first and only time.

Churchill's basic point of view in his imperial capacity was that "India" was an abstraction; without British rule, it was a heterogeneous continent made up of peoples who would otherwise be at each other's

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throats. Herman is skeptical of Churchill's prejudices and bugaboos, but tries manfully throughout this book to be fair to both of his protagonists. He summarizes the dilemma between them in these terms: "What the Indians needed [in order] to be free, the British could not afford to give up. What the British were willing to give up the Indians did not want." The "crux of the matter," he goes on to say, was "the communal problem"—that is, "the need to reassure India's multiple minorities that their rights would be respected in a democratic state dominated by a quarter-billion Hindus." This happy result did in fact finally occur in what is now India, but only after the shedding of enormous quantities of blood.

In some ways the careers of Gandhi and Churchill rose in inverse proportion to one another. Throughout the 1930's, the lingering wounds of the world war had made it impossible for the British to face the challenge of a rising Japan and an aggressive Nazi Germany. Then, in World War II, the struggle to defeat the Axis exacted so enormous a price that, by the end, Churchill's vision of a worldwide empire appealed to almost nobody.

Were it not for this long continuum of European conflict, it is not at all clear that either Gandhi's protests or his periodic spells in British prisons would have led to his desired outcome. As it was, by 1945 Clement Atlee's Labor government was eager to let go of India in the interests of both financial prudence and socialist ideology. All Gandhi had to do was to wait for the last viceroy, Lord Mountbatten, himself somewhat inexplicably a man of the Left, to do the work for him.

Before this could be consummated, however, Gandhi himself fell to an assassin's bullet; the perpetrator was a young member of one of the extreme Hindu political organizations whose existence the Mahatma preferred to ignore or minimize. By this time, sectarian violence was fully under way throughout India. Gandhi had the good fortune to depart the scene before the full fruits of his movement—the partition of the subcontinent into two disconnected halves—became evident.

HERMAN'S VIEW is that the blame for the carnage lies more or less equally upon the shoulders of both Churchill and Gandhi. "If Churchill had offered postwar independence in 1940 instead of in 1942," he argues, "India might have had breathing space to work out a suitable framework for either a unified constitution or a peaceful India-Pakistan split."

Readers will have to decide for themselves whether this is a credible charge on Churchill's side of the ledger. As for Gandhi's derelictions, Herman writes that

> for the sake of an unrealizable ideal [i.e., unity], he had undermined the last chance at a peaceful settlement to India's freedom. . . . His decade-and-a-half of defiance of the law through civil disobedience had bred an atmosphere of contempt for social order, a celebration of recklessness and militance. . . . [B]y encouraging others . . . Gandhi helped to spread the dangerous fiction that all street action was soul force and vice-versa.

Above all, Gandhi never really came to terms with the price that Indian society would have to pay for the departure of British rule—or for that matter, with the lasting benefits it would ultimately derive from its previous lengthy experience under imperial tutelage. That is but one of the ironies, if a very large one, that are brightly illuminated by this scrupulous, compelling, and unfailingly instructive book.

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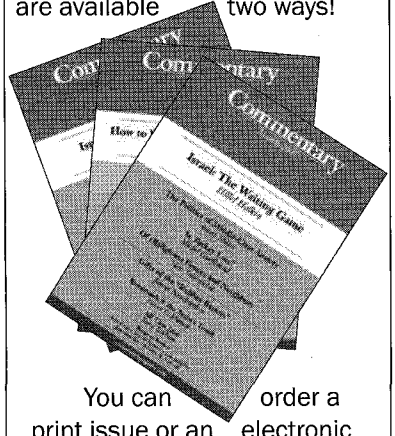

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Dislocations

Full Circle: A Memoir
by Edith Kurzweil
Transaction. 302 pp. $34.95

Reviewed by
Benjamin Balint

THE WRITER and intellectual Edith Kurzweil traces not one but three concentric circles in this account of what she calls a "chopped-up life." The innermost circle is a story of childhood fear and daring. During the *Anschluss* of Austria in March 1938, the thirteen-year-old Edith, the daughter of assimilated Viennese Jews, looked on with dread from her apartment window as lines of storm troopers paraded

BENJAMIN BALINT, *a writer based at the Van Leer Institute in Jerusalem, reviewed Joseph Dan's* Kabbalah *in our April 2006 issue.*

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unendingly by. A few months later, on a November evening that would come to be known as *Kristallnacht*, she watched shivering in fear from a dressmaker's shop on Tempelgasse as Nazi soldiers and ordinary Austrian citizens torched Vienna's largest and loveliest synagogue.

Soon the Nazi fury had separated Edith and her younger brother from their parents and was pursuing them through a series of dislocations—first to wretched children's homes near Brussels, and then, when the Germans overran Belgium in May 1940, to Toulouse in southern France via a bruising eight-day journey in a boxcar. Miraculously, Edith managed to acquire the necessary transit visas, shepherding her brother on a perilous voyage from France through Spain to Lisbon and thence on the *S.S. Excalibur* to New York and reunification with their parents.

Kurzweil's second circle encompasses the confusions of acculturation. With a few vivid strokes, she evokes the émigré society of Vienna-on-the-Hudson: the café-goers reading the German-Jewish paper *Aufbau*, reminiscing about the comfortable past, complaining about the indignities of the present. The young Edith, who by now was dreaming in three languages, picked up street English from soapbox orators on Columbus Circle and with alphabetical thoroughness read her way through the fiction shelves of the public library. Yet when her insatiable appetite for learning culminated in an offer of a scholarship to Radcliffe, her father, a businessman who disdained the life of the mind, forbade her to accept it.

The memoir's third circle widens to take in Kurzweil's career as a teacher of sociology, as the author of books—including *The Age of Structuralism* (1980) and *The Freudians* (1989)—on psychoanalysis and French social theorists, and as a New York intellectual and the last editor of the quarterly *Partisan Review*.

Here Kurzweil crowds her canvas not only with the brilliant, sharp-tongued writers she came to know but with her husbands; they, one senses, were her true teachers. The first, Charlie Schmidt, provided an escape from a controlling father and into adulthood. The second, Robert Kurzweil, spirited her away from her disastrous first marriage into a glamorous expatriate life in Milan, just in time for the Italian economic boom of the late 1950's and early 60's. After Robert died, her third husband, Norman Birnbaum, inducted her into the left-wing academic world she longed to join.

Describing herself as, at this

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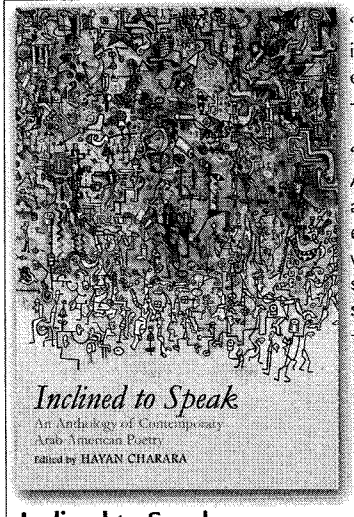

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—***Booklist***

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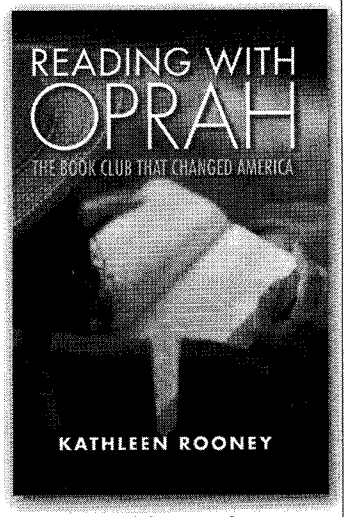

"Lively . . . accurately captures the cultural unrest surrounding the Oprah book club and raises numerous thoughtful points about its significance."
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Comprehensive and up-to-date, the book covers the club from its inception in 1996, through the Jonathan Franzen contretemps, the surprising suspension in 2002, and, after the club's return in 2003, the progression from "great books" to memoir. New material includes an extensive look at the James Frey scandal and Oprah's turn to contemporary fiction, including *The Road* and *Middlesex*.

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stage, "a product of American public education and a traditional liberal," Kurzweil got a heady whiff of the overheated ideological squabbles of the 60's Left. But even while married to Birnbaum, a radical fellow-traveler, she harbored doubts about the direction some of their friends were taking. "I had trouble believing," she writes, "that America was as bad as they decreed." She adds, wittily: "I kept wondering how dropping out and moving to rural communes, or stealing books from the 8th Street Bookstore, was going to stop capitalist production."

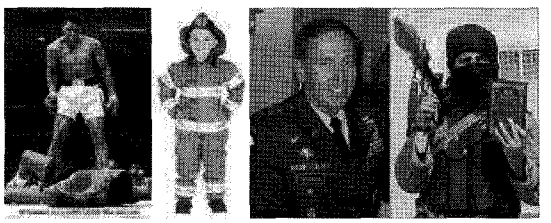
At a reception for the novelist Doris Lessing in the early 1970's, Kurzweil began a friendship with the man who would become her fourth husband. This was William Phillips, co-founder in the 1930's of *Partisan Review*. He had read an article by her in COMMENTARY, about a meeting of psychoanalysts in Vienna, and invited her to write on similar themes for him. She did, eventually joining the staff and his life.

Others have recounted the history of *Partisan Review* and of its attempt to join the literary and the political avant-gardes, or modernism and Marxism. By the time Kurzweil appeared on the quarterly's masthead in 1977, and certainly by the time she took over the editorial reins in 1994, the magazine was well past its prime as the voice of the anti-Communist Left. She remains, however, justly proud of its historic role in bringing European thought to America, and of the magazine's faithful effort to combat the utopianisms—both of the Right and of the Left—on whose 20th-century altars millions of lives were sacrificed.

With Phillips, Kurzweil's anti-Communism now became more pronounced. Under the magazine's auspices, she organized influential conferences with Eastern European dissidents, among them Czeslaw Milosz (who first appeared in English in *Partisan Review*), Joseph Brodsky, Norman Manea, and Adam Zagajewski. She also began to cast a more critical eye on the rising tide of political correctness, postmodernism, anti-Americanism, and group-think among her fellow intellectuals in the United States. Kurzweil is especially good at recounting and bringing her reader into conversations where disputes over these and kindred matters ended by sundering longstanding friendships.

A woman who has presided over her share of endings, Kurzweil also tells here of her brave but ultimately futile effort to keep *Partisan Review* afloat. Rutgers University, which had hosted the magazine since 1963, tried in 1978 to force Phillips into retirement and to impound the magazine's files. He and Kurzweil won that battle, success-

What Do These People All Have In Common?



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Is it a solution to the Arab/Israeli conflict or a recipe for disaster?

For decades, the declared thrust of the Palestinians has been their desire of having their own state – in Judea/Samaria (the "West Bank") and in the Gaza Strip. Now, a new idea has taken hold and is propagated in national media: a binational state, encompassing those territories and "Israel proper." The slogan is "One Land for Two Peoples."

What are the facts?

Review of history: The Arabs have launched four major wars against Israel, at the end of which Israel remained in possession of all the lands west of the Jordan River, the undivided city of Jerusalem, the vast Sinai, the Golan Heights and the Gaza Strip. In what was in all likelihood a major act of folly, but in order to attain peace with Egypt, Israel returned the Sinai to Egypt. But the peace with Egypt is the coldest imaginable.

Thus, having been unable to defeat Israel in war and unable to wear it down by their "intifadas," the Arabs had to think up something new in order to destroy Israel. And they did indeed come up with something. According to the late and unlamented Yasser Arafat, the most important weapon of the Arabs is the "Arab womb," the motto being: "If we can't defeat them in war, let's outbreed them." And that is exactly what would happen if there ever were a "binational" state. There can be little doubt that, within a generation or less, the Arabs would have outbred their Jewish fellow citizens and would have become the majority in the country. They would thus have accomplished what they were unable to attain by any other means, namely the destruction of the Jewish state.

Artificial countries: With the exception of Egypt, all the countries of the Middle East are artificial creations. After World War I, England and France carved up the Ottoman Empire, with England retaining what are now Saudi Arabia, Jordan, Israel and Iraq, and France being in possession of what are now Syria and Lebanon.

In 1917, the Balfour Declaration, proclaimed by the British mandatory power, established all of Palestine – east and west of the Jordan River – as the reconstituted homeland for the Jewish people. This was ratified by the 52 countries of the League of Nations. Insistence that these are Arab lands and that the Jews are "occupiers" is a notion that is fairly new. But it has been repeated so often and for so long that most of the world has come to believe it. But it has no basis in fact at all. It is a myth.

If Israel were ever to consent to the creation of a binational state, how would it work out? To get the answer, one only needs to go next door to Lebanon. In order to provide a safe haven for the Maronite Christians, the French carved out the artificial state of Lebanon. Within just one generation, the population ratio had begun to change in favor of the Muslims. Strife broke out, which ultimately culminated in a bloody civil war that lasted for close to ten years and in which scores of thousands died. Can anybody really believe that, given the mortal hatred of the Muslims against the Jews, things would be any different in Israel/Palestine? Of course not! A bloody civil war would be the inevitable result.

> "The Palestinians, just as the over one million Arabs now living in Israel with full rights as citizens, could be part of Israel, with full autonomy and with their own internal governance..."

Created as a Jewish state: Israel was created as a Jewish state by the will of the nations of the world and by the brain and brawn of the Jewish people. There is no reason why the Israelis would turn their country over to those who are their declared mortal enemies. Do the Turks plan to establish a binational state with the Kurds (or do the Iranians or Iraqis, for that matter)? Do the Spaniards consider a binational state with the Basques? Do the Chinese propose the formation of a binational state with the Tibetans? Of course not. Why, therefore, should Israel even consider sharing its country with those whose never-changing agenda is its destruction? Why should Israel, one of the most advanced countries in the world in virtually every field of endeavor, make itself hostage to those who live in backwardness and ignorance and who are guided by religious fanaticism? Israel was founded to be the Jewish homeland and it will never acquiesce to its own destruction by allowing itself to become a binational state.

A binational state is a non-starter and, realistically, a Palestinian state in any portion of Judea/Samaria and Gaza (even in the unlikely case that the Israelis were ever willing to concede it) would not be viable. What then is the possible solution to this enduring problem? The Palestinians, just as the over one million Arabs now living in Israel with full rights as citizens, could be part of Israel, with full autonomy and with their own internal governance (something that the Kurds would give anything to attain). If they were unhappy with that solution they would be at liberty to migrate to any of the over twenty Arab countries that, one would hope, would welcome them with open arms.

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fully moving to Boston University. But in 2003, within a year of Phillips's death, the university president pulled the plug. "We are shutting you down," he said.

GIVING A gently centrifugal motion to each of Kurzweil's self-contained circles is her unadorned style, which perfectly matches the appealing modesty of her voice. But what in the end relates each of the three rings to the others is something else: the searing experiences disclosed in the innermost circle, the one that lies at the heart of Kurzweil's story. This was her harrowing brush with totalitarianism, and the shadow it cast on all that came afterward, in her own life just as it did in the life of Western culture.

Unlike some survivors, and not without expressing a certain sense of regret about it, Kurzweil never gave up her secularism or found her way to a meaningful commitment to Judaism. In her case, another deep conviction—a moving appreciation of America—may have substituted for the energies of traditional piety. Five years ago, receiving the National Medal for the Humanities from President Bush, she looked around at the other medalists and realized with a start that she was the only one not born in this country. "As memories of Hitler's march into Vienna, of my escape and my botched teens flitted through my head," she writes, "I marveled at my good fortune. I had made it to America, and into America."

This displaced child of Europe lost neither her European *savoir faire* nor her admiration for those elements of the continent's intellectual tradition that in her academic career she sought to interpret to her adopted countrymen. But in coming to grasp just how alien to American soil were the twin terrors of fascism and Communism, Kurzweil also learned to cling to that soil and to feel it as her own. That course of discovery, or self-discovery, holds a profound lesson for anyone who by accident of birth has been blessed to remain distant from the awful human realities she narrowly escaped.

It's Educational

Troublemaker: A Personal History of School Reform since Sputnik

by Chester E. Finn, Jr.

Princeton. 364 pp. $26.95

Reviewed by
Fred Siegel

A FEW MONTHS ago, speaking about the Lincoln-Douglas debates, I suggested to a class of undergraduates at an elite university that the unusual geography of Illinois gave Lincoln an advantage in the northern and Douglas an advantage in the southern part of the state. And why was that, I asked? The response was puzzlement. A handful knew that Illinois was located somewhere in the Midwest, but most had no idea of where it lay on the map, let alone that it stretched from the Great Lakes south to Kentucky. Their response, or lack of it, reminded me of a quip by the education reformer E.D. Hirsch: "Subject matter has been so long ignored it's now barely missed."

I thought of this again as I read Chester Finn's *Troublemaker: A Personal History of School Reform since Sputnik*. The indefatigable Finn has been at or near the center of school reform since the landmark 1966 Coleman Report, with its wake-up finding that educational "inputs"—like the amount of money expended per student, or the number of certified teachers on staff—has little bearing on educational outcomes. Over the intervening decades, Finn has served on countless panels and committees, put in his share of time in state and federal government, including at the Department of Education, and written or co-written over a dozen books and innumerable articles. For the last ten years he has been the president of the Thomas Fordham Foundation, an editor of the magazine *Education Next*, a senior fellow at the Hoover Institution, and the chairman of Hoover's Koret task force on K–12 education.

Troublemaker is part-memoir, part-memo. Both the memoir and the memo begin in earnest with Finn's graduate studies at Harvard. There, as a member of Daniel Patrick Moynihan's seminar devoted to re-examining Coleman's evidence, he absorbed the lesson that, in Moynihan's succinct formulation, "There is only one important question to be asked about education: what do the children learn?" The subsequent 40 years of Finn's very active life would be spent striving, often against the implacable opposition of the education establishment itself, to implement this fundamental insight.

IN THE mid-1960's, President Lyndon Johnson had declared America's schools to be "our primary weapon in the war on poverty." But Finn, although initially sympathetic to LBJ's Great Society, grew increasingly disillusioned by its programs. By the 1970's, and despite the presence of fewer students and much higher rates of spending per pupil, student performance was continuing to decline. It was in those years that the disaster of bi-lingualism was imposed on schools, that students were given the "right" to be abusive to their teachers, that teachers, buffeted by the difficulties of forced racial integration and increasing school violence, became more unionized and more militant, and that the core function of the public schools—educating future citizens—was lost amid a welter of competing social and political agendas.

FRED SIEGEL *is a contributing editor of the Manhattan Institute's* City Journal.

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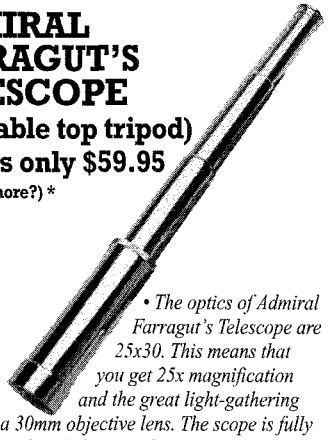

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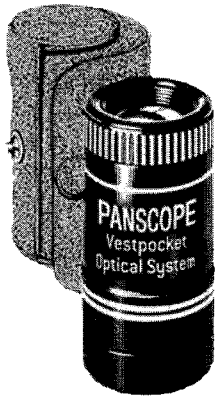

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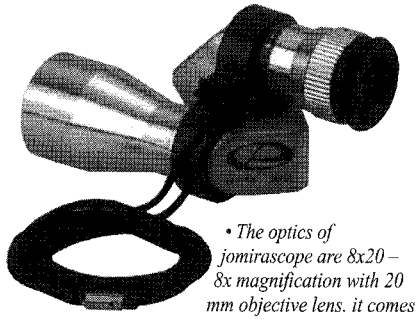

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Looking back, Finn concludes that he had been "wrong in believing that ignorance about education itself was the central problem in need of solution." Educators, he discovered, "were primarily concerned with themselves, the politicians they depended on, and the dogmas of what Hirsch called their 'thought-worlds.'"

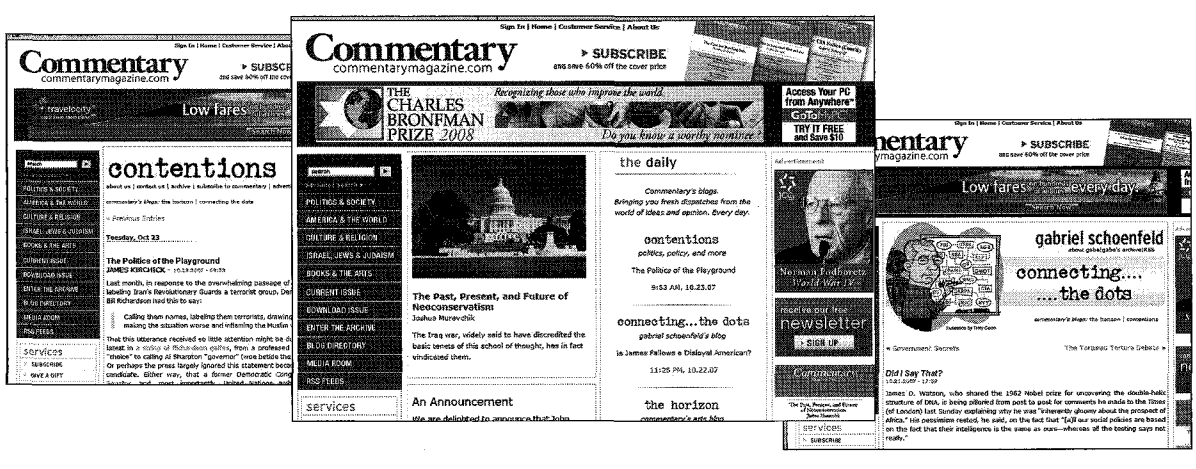
The subsequent era in school reform began in 1983, with the publication of *A Nation at Risk*, a bombshell report by the National Commission on Excellence in Education. The report, which garnered widespread attention, contained a famously ominous warning:

> If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. . . . We have, in effect, been committing an act of unthinking, unilateral educational disarmament.

But, public pressure notwithstanding, the education lobby fended off every attempt to compel teachers' colleges and graduate schools of education to instruct future teachers not just in the "process" of education but in specific subject matters like math and history. What was needed, the lobby maintained, was more money for programs about how to learn, not what to learn, and for encouraging "multicultural" ways of learning. In the name of "critical thinking," the country had become caught up in a self-inflicted and self-perpetuating cycle of ignorance and political attitudinizing.

In the early 1980's, Finn worked with Governor Lamar Alexander of Tennessee on an initiative to "unleash America's creative genius to invent . . . the best schools in the world." Unfortunately, this, too, had scant effect. Finn describes here the "familiar blend of inertia, incapacity, and overregulation" that inevitably insures a "rubber-band-like" effect whereby education policy "snaps back into its previous shape as soon as the external pressure eases."

On a much larger scale, he would observe the same process at work during his years as Assistant Secretary of Education in the mid- to late 80's, when, working with a "dream team" under the irrepressible leadership of William J. Bennett, he helped turn the encrusted National Assessment of Educational Progress into a true measure of educational achievement, only to see its effectiveness as a standard-setting tool undermined by the federal bureaucracy and the "Blob" (Bennett's caustic phrase for the education establishment).



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The 1990's found Finn taking fresh encouragement from a new set of possibilities held out by the movement for school choice. This was based on the conviction, elaborated by John Chubb and Terry Moe in *Politics, Markets, and America's Schools* (1990), that educational standards could be improved nationwide by a movement threatening the monopoly of the public schools and thus forcing them to compete on grounds of excellence. The book appeared at a propitious moment, Finn writes. "It was getting harder—and more nakedly self-interested—to explain why needy students shouldn't be helped to attend schools that would do them more good." Alas, disappointment followed once again. Whatever benefits school-choice programs were able to bring to the relatively few students who had access to them, they had "no effect in forcing the school system to improve overall."

BY THIS point in *Troublemaker*, as one new school-improvement program succeeds another, each with its own acronym—of which enough accumulate to require a five-page glossary at the end of the book—and each one producing minimal results, even the dynamic and congenitally hopeful Finn comes to seem worn down and resigned. By the mid-1990's we read that he has joined the Edison Project, an effort to deploy the profit motive to create successful schools; it, too, goes aground, compelling Finn to give up on all such attempts to "effect education reform one school at a time." Sooner of later, he explains, any such entrepreneurial venture finds itself pulling its punches, modifying its plans, or otherwise compromising with the public-school establishment that turns out to be its main client and/or regulator.

Not even President Bush's "No Child Left Behind" initiative has managed to raise standards or materially fulfill Moynihan's dictum about seeing to it that children actually learn. In Finn's judgment, the Bush administration got things right by imposing more testing, but got things wrong by leaving it up to the states to decide what the testing showed, thus allowing them to game the results. Instead, he argues, "the law should have set *national* standards for achievement and left it up to the states as to how to achieve them" (emphasis added). This is in line with an earlier proposal of his in COMMENTARY, where he urged a core "curriculum of national unity" that would return to the schools "their vital role in fostering, reinforcing, and transmitting the sense of a common civic culture." One cannot help wondering, though, whether such a proposal would have met a better fate than the abortive attempt to create a national history curriculum, defeated when the distance between liberals and conservatives as to what should be included proved too wide to be bridged.

HAVING METICULOUSLY and fair-mindedly detailed four decades of "staggering inertia" in American education policy, Finn nevertheless tries to end on an upbeat note. "Why then do I remain moderately bullish about the future of K-12," he asks? Because, he answers, "our schools still do a decent job with their top students." But do they? As I discovered a few months ago, of the same top students who knew not where Illinois was on the map, not a single one could say what a grand jury was.

Each successive generation since the mid-1960's has read less, mastered a smaller body of knowledge, and possessed a more meager vocabulary than its predecessors. What makes the members of the current generation different is that they appear unembarrassed by their ignorance. The products of a school system devised and maintained by the process-oriented professors of the education schools, they are all, in effect, postmodernists: for them, everything is a matter of opinion, and no one's opinion is better than anyone else's.

The decline in students' knowledge base and in their ability to read and analyze is an expression of changes that began to take root in the 1960's and that left all authority—legitimate and illegitimate—in dramatic desuetude. The collapse of, in this case, intellectual authority underlies the ongoing failure both of our schools and of virtually every effort at school reform. Like the United Nations, another institution with once-splendid goals, the American education industry is a gigantic self-serving bureaucracy that now does more harm than good but can be neither reformed nor eliminated. *Troublemaker*, a book devoted to Chester Finn's thoughtful and deeply felt, but ultimately Sisyphean quest, deals with this terrible fact only briefly and in passing; one hopes he will yet address it at the length it deserves.

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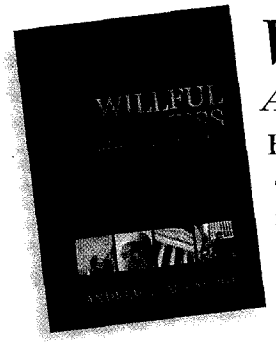

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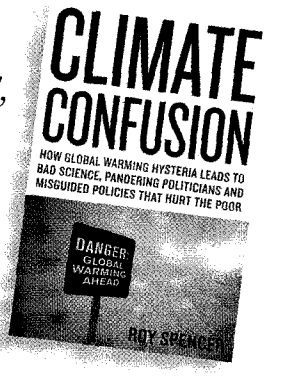
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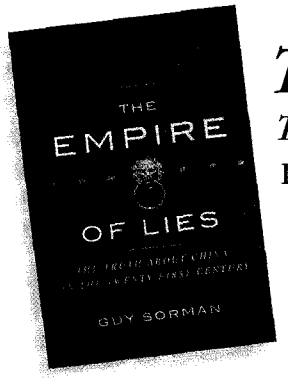

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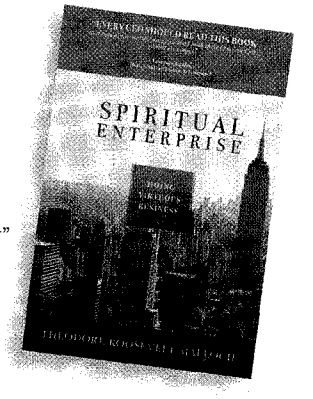

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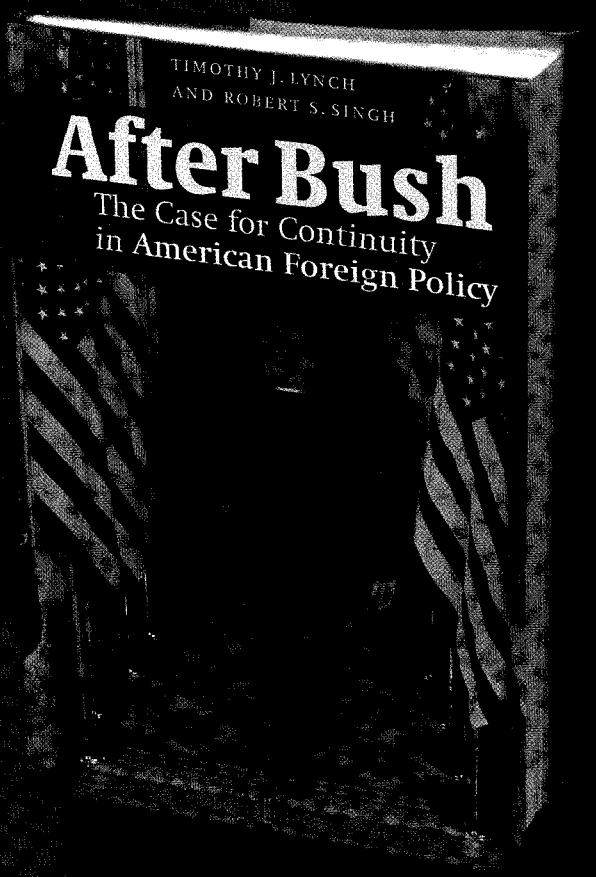

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Authors **Timothy J. Lynch and Robert S. Singh** suggest that regardless of the outcome in November's election, there will—and should—be continuity in US foreign policy from his Presidency to those who follow.

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